

FC FILING ADMINISTRATIVE REGULA NS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

SEP 24 1969

Office of Administrative Procedure

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(GOV. CODE 11380.1)

SEP 24 1969

Office of Administrative Procedure

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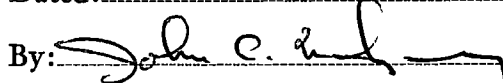
Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: September 18, 1969

By:



Director

(Title)

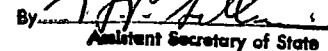
FILED

In the office of the Secretary of State
of the State of California

SEP 24 1969

At 4:30 o'clock P. M.

FRANK M. JORDAN, Secretary of State

By: 
Assistant Secretary of State

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In the Matter of a Demonstration)
of the Benefits of Providing for)
the Voluntary Deduction of Food)
Stamp Purchase Requirement from)
the Public Assistance Grant)

ORDER

I

With the approval of the United States Department of Health, Education, and Welfare for a waiver of statewideness already received under the provisions of Section 1115 of the Social Security Act, the State Department of Social Welfare proposes to conduct an experimental project, in and jointly with no more than ten counties including two districts in Los Angeles County, to demonstrate and test the benefits of providing for the voluntary deduction, at a recipient's request, of the food stamp purchase requirement from the public assistance grant as an alternative method where circumstances now limit the full use of the federal Food Stamp Program. The objective of the demonstration is to determine if administrative or legislative action to amend the present limitations of a cash assistance payment is desirable to benefit public assistance recipients insofar as a specific resource (food stamps) is concerned.

II

In order to conduct and administer the project, it is necessary to waive the enforcement of certain laws and regulations governing the public assistance program for the period to begin on October 15, 1969, and end on or before October 14, 1972.

III

For the purpose of this project and pursuant to Section 18204 of the Welfare and Institutions Code, I hereby waive the operation of the following regulation

Effective October 15, 1969

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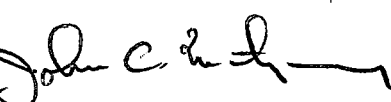
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FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

effective October 15, 1969, but only in the manner and to the degree required by the nature of the project.

MANUAL OF POLICIES AND PROCEDURES - ELIGIBILITY AND ASSISTANCE STANDARDS

44-301 MONEY PAYMENT PRINCIPLE - Within the criteria of this project, this regulation is modified to allow for the voluntary deduction of the purchase requirement for food stamps from the public assistance grant.



John C. Montgomery
Director

DATE: September 18, 1969

Effective October 15, 1969

CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

LEGAL NOTICE

PROPOSED DEMONSTRATION PROJECT IN THE TESTING OF A VOLUNTARY DEDUCTION OF FOOD
STAMP PURCHASE REQUIREMENT FROM PUBLIC ASSISTANCE GRANT

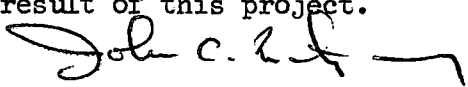
With the approval of the United States Department of Health, Education, and Welfare for a waiver of statewideness already received under the provisions of Section 1115 of the Social Security Act, the Department of Social Welfare, in cooperation with no more than ten counties including two districts in Los Angeles County, will conduct a demonstration project for a period to begin on October 15, 1969, and end on or before October 14, 1972, to test the benefits to public assistance recipients of providing for the voluntary deduction at a recipient's request of the purchase requirement for food stamps from the public assistance grant as an alternative method where circumstances now limit their full use of the federal Food Stamp Program.

For the purpose of this project and pursuant to Section 18204 of the Welfare and Institutions Code, the following regulation is modified:

Manual of Policies and Procedures - Eligibility and Assistance Standards

44-301 Money Payment Principle

There will be no additional costs as a result of this project.


John C. Montgomery, Director
State Department of Social Welfare

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(Pursuant to Government Code Section 11380.1)

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SEP 25 1969

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

Dated: September 24, 1969
(Agency)

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

SEP 25 1969

At 4:00 o'clock P.M.

FRANK M. JORDAN, Secretary of State

Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.
These regulations do not contain any building standards.

10-073 NONAIDED, NONLINKED PERSONS

10-073

The county welfare department shall identify in the county plan those services which will be provided to nonaided, nonlinked persons. Provision of required services to nonaided, nonlinked persons is optional except for the following:

.1 Information and Referral Services

All persons without regard to the need for public financial assistance are eligible for information and referral services.

.2 Protective Services for Children

Protective services for children as defined in Chapter 30-100 shall be provided as a public social service by July 1, 1975, to all children in need of such services, regardless of income. (See 30-103.23)

Effective 11/1/69

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(Pursuant to Government Code Section 11380.1)

10-073 NONAIDED, NONLINKED PERSONS (Continued)

10-073

.3 Social Services for Children

The county department shall make provisions for progressively establishing, extending, and strengthening social services for children with the goal of making them fully available to all children as public social services by July 1, 1975.

.31 "Social services for children" are defined as social services which supplement or substitute for parental care and supervision for the purpose of:

- .311 preventing or remedying, or assisting in the solution of problems which may result in the neglect, abuse, exploitation, or delinquency of children.
- .312 protecting and caring for homeless, dependent, or neglected children.
- .313 protecting and promoting the welfare of children of working mothers, and
- .314 protecting and promoting the welfare of children by the strengthening of their own homes where possible or, where needed, by making provision for the adequate care of children away from their homes in foster family homes or Day Care or other child care facilities.

Effective 11/1/69

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10-053 RECOMMENDED SERVICE PROGRAMS

10-053

Each county welfare director shall take into consideration in the county plan the need for and the possibility of making the following services available to persons in need of public social services:

.1 Adoption Services

To provide children for whom adoption appears to be the best plan with a permanent home and new parents, with the same mutual rights and responsibilities as exist in natural parent-child relationships, including service of the natural parents, study and evaluation of the child and his needs; arranging for care of the child prior to adoptive placement; recruiting, studying and selecting adoptive homes; providing adoption placement and post placement services until adoption is legally consummated. (See Title 22, Division 2, California Administrative Code, Chapter 4.)

.2 Licensing Services

To provide inspection, evaluation, license and continued supervision of 24-hour and day care homes for adults and children, including residential care homes for the aged, foster family homes, family day care homes, and parent-child homes. (See Title 22, Division 2, California Administrative Code, Chapter 6.)

.3 Educational Training Program

To provide viable programs of education and training operated or administered by the county welfare department which have the objective of preparing AFDC recipients for employment until such time as the Work Incentive Program is fully operative and of sufficient scope and size to accommodate all appropriate and eligible for enrollment. (See Chapter 31-200.)

.4 State Preschool Services (formerly Preschool Compensatory Education)

To provide for children between the ages of three and the age when chronologically eligible for kindergarten from economically and culturally deprived homes the experiences and motivation to prepare them to enter public school on an equal basis with children from more advantaged homes. (See Chapter 31-350.)

.5 Homemaker Services

To prevent family disruption or inadequate care of children or adults during periods of temporary stress precipitated by the absence, illness or behavior of the regular homemaker, caretaker or individual, by the placement in the home of a mature, specially trained person to act as a temporary substitute until the period of stress is ended, or to help family members achieve homemaking skills. (See Chapter 56-120.)

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Effective 11/1/69

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SEP 25 1969

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: SEP 24 1969

By:

John C. McHugh

Director

(Title)

FILED

In the office of the Secretary of State
 of the State of California

SEP 25 1969

At 4:00 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By:

J.P. [Signature]
 Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

17-017 RULES AND REGULATIONS AVAILABLE TO THE PUBLIC

17-017

- .1 One set of rules, and regulations, handbook materials and circular letters of the State Department of Social Welfare, and the Welfare and Institutions Code and other laws relating to any form of public social service, shall be made available to the public during regular office hours in each central or district county office administering such aid (Welfare and Institutions Code 10608).
- .2 These shall be placed in the waiting or reception room or in a location available and convenient for public use.
- .3 A sign shall be prominently posted in each waiting room or reception room in English and Spanish as follows:

"Rules and regulations of the State Department of Social Welfare are available for your use. Please ask for the materials or manuals you wish to see."

"Las reglas y reglamentos del Departamento de Bienestar Social del Estado estan a su disposicion y para su uso. Por favor pida por la materia o manual que usted desee ver y consultar".

- .4 A signout book shall be used to prevent loss of regulations or other materials for public use. Appropriate measures shall also be taken to assure the maintenance of the regulations in a current and usable condition.

Effective 12/1/69

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OCT 1 - 1969

Office of Administrative Procedure

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APPROVED FOR FILING
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OCT 1 - 1969

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: September 12, 1969

By: John C. [Signature]

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

OCT 2 - 1969

At 12:35 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: [Signature]
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

34002. FILING OF APPLICATION. An application for a new license shall be filed with the SDSW on the form prescribed by the Department when any person, partnership, association, or corporation proposes to:

- (a) Open a day nursery.
- (b) Purchase an existing day nursery.
- (c) Expand a day nursery for which the applicant holds a current license either by a substantial increase in enrollment at the existing location which affects staffing and other aspects of the program or by adding additional locations.
- (d) Move a day nursery for which the applicant holds a current license to a new location.

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Effective 1/1/70

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATION
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

34002. FILING OF APPLICATION. (Continued)

- beyond 30 days
- (e) Continue to conduct a day nursery in which the license was issued to a husband and wife when the marriage relationship is altered by separation, divorce, or death.
- (f) Continue to conduct a day nursery as an individual when a former partnership which was a licensee has been dissolved or a new partnership formed.
- (g) Make a major change in the organizational structure such as the responsibilities delegated to the partners in a partnership or the legal base of incorporation.
- (h) Continue operation of a licensed day nursery when the license has expired because a renewal application has not been filed within 10 days prior to the expiration date of the existing license.

34003. LICENSING PROCEDURES.

- (a) The application shall be completed and signed under penalty of perjury.
- (b) ^{Willful} falsification of information provided by applicant(s) may constitute grounds for denial of the application.
- (c) An application by an association or corporation shall be signed by the board president or other presiding officer.
- (d) An application by an individual or partnership shall be signed by the individual or the partners and their spouses when the spouse(s) will have financial or administrative responsibility for the nursery and/or the nursery is part of community property.

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(Pursuant to Government Code Section 11380.1)

34004. ACTION ON LICENSE APPLICATION. Upon receipt of an initial application, the State Department of Social Welfare shall:

(a) Require fingerprinting of:

(1) Each applicant, other than an officer of a board of directors of a nonprofit organization ^{and} each applicant's spouse residing on the premises of the nursery.

(2) The director of the nursery and the spouse of a director residing on the premises of the nursery.

(b) Obtain criminal record clearance for these persons from State Bureau of Criminal Identification and Investigation on Form CII-7.

(c) If it is not possible to ascertain the criminal record or absence thereof by the fingerprint method, then resort to name check as a secondary, alternative method shall be made.

(1) If a person's fingerprints are taken twice and both sets are not sufficiently clear to permit CII to effect clearance, use of the name check as a secondary, alternative method is permissible if the following conditions are observed:

(A) There is a completed, signed application in file which includes a statement as to whether or not the applicant has a criminal record.

(B) An entry is made in the licensing narrative record explaining effort to effect clearance by the fingerprint method and reason(s) for resorting to the name check.

(2) Name check method shall also be used in unusual circumstances, e.g., if the person is physically unable to have fingerprints taken and is, in all other respects, qualified for a license.

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(Pursuant to Government Code Section 11380.1)

34004. ACTION ON LICENSE APPLICATION. (Continued)

- (d) Evaluate and make disposition of any such criminal record report received.
- (e) Request fire safety inspection from the State Fire Marshal.
- (f) Make an evaluation of the nursery in accordance with the established standards.
- (g) Issue a license to nurseries which conform with the requirements set forth in this manual.
- (h) Except as prohibited in Section 16018 Welfare and Institutions Code, have the discretion to issue a license in a case of substantial compliance, upon a finding that the deviations from standards are minor and that the licensing of the nursery is in the best interests of the welfare of the children in the community.
- (i) When an application for a new license is required because of circumstances beyond the control of the licensee, such as the death of the licensee or a partner, permit the day nursery to remain open for a reasonable period of time while the new application is processed, provided there are no immediate hazards to the children in care.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

34007. CONFORMITY WITH TERMS OF LICENSE. The following terms and shall
conditions shall be specified on the license and not be violated:

- (a) The age range of the children the nursery is authorized to accept.
- (b) The number of children the nursery is authorized to have in attendance at one time, including enrolled children participating in an off-grounds activity, which is part of the day nursery program.
- (c) Other limitations required to insure the safety and welfare of the children.
- (d) The license must be posted in a conspicuous place in the nursery.
- (e) Licenses are contingent upon continued conformity to the requirements of the State Department of Social Welfare.
- (f) The license applies only to the organization or person or partnership to whom it is issued and to the buildings approved.

34021. ORGANIZATION - ALL DAY NURSERIES. The organization of every day nursery shall be such that legal responsibility is clearly defined and administrative authority specifically placed. The licensee (individual, partnership, association or corporation) shall be responsible for:

- (a) Development and enforcement of written policies, program and financial procedures as required by these regulations and conformity with applicable state laws.
- (b) All debts and obligations of the day nursery.

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(Pursuant to Government Code Section 11380.1)

34023. ORGANIZATION - LICENSEES WHO ARE INDIVIDUALS. Each licensee who is an individual shall:

(a) Be at least 21 years of age.

(b) Meet the qualifications for the director (Section 34066) or employ a director who meets these qualifications. When a director is employed, there must be written agreement stating the terms of employment, including the administrative responsibility and authority delegated to the director.

(c) Meet the personal qualifications for all staff (Section 34063).

(d) Have the knowledge and ability to carry out the responsibilities stated in Section 34021 including:

(1) Knowledge of good administrative, educational, and child welfare practices.

(2) Ability to communicate effectively in writing.

(3) Knowledge and ability to develop personnel practices which will make it possible to attract and retain qualified staff.

(4) Ability to organize time and materials.

(5) Knowledge and ability to develop sound financial practices based on understanding of capital outlay, operational budgeting, and payroll procedures.

(e) Subsections (a) and (b) of Section 34023 do not apply to individuals licensed prior to January 1, 1970 except when:

(1) There is a plan to substantially increase the number of children to be enrolled (See Subsection (c) of Section 34002), or

(2) The license has been voluntarily terminated for more than three years.

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34024. ORGANIZATION - PARTNERSHIPS.

- (a) Each partnership shall be legally constituted.
- (b) There shall be a written statement of the obligation and duties of each partner and the provisions for dissolution of the partnership.
- (c) Each partner shall be at least 21 years of age,
- (d) Each partner shall meet the personal qualifications for all staff (See Section 34063), unless the partner is not involved in the operation of the facility or because of the nature of the responsibilities a given qualification is not required; e.g., a partner with responsibilities limited to financial aspects of the operation would not necessarily need to be temperamentally suited to working with children.
- (e) At least one of the partners shall have the knowledge and ability stated in Section 34023, Item (d).
- (f) At least one of the partners shall meet the qualifications for the director (Sec. 34066) or a director who meets these qualifications shall be employed.
- (g) When a director is employed, there must be a written agreement stating the terms of employment, including the administrative responsibility and authority delegated to the director.
- (h) Subsections (c and f) of Section 34024 do not apply to partnerships licensed prior to January 1, 1970 except when:
- (1) There is a plan to substantially increase the number of children to be enrolled (See Subsection (c) of Section 34002), or
 - (2) A change in the partnership structure would result in a different individual assuming administrative responsibility for the day nursery, or;
 - (3) The license has been voluntarily terminated for more than three years.

Effective 1/1/70

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34025. ORGANIZATION - CORPORATIONS AND ASSOCIATIONS.

(a) Each licensee which is a corporation or association shall be legally organized.

(b) There shall be an internal structure which provides for:

(1) An appropriate governing authority:

(A) Responsible for the development and enforcement of operating policies, and;

(B) Located so as to be familiar with, and accountable for, all aspects of the operation of the day nursery and reasonably accessible to the licensing agency.

(2) Appointment of a Director or head teacher of the day nursery who meets the qualifications specified in Section 34066.

(3) Delegation to the Director or (head teacher, when applicable) of responsibility and authority appropriate to the administrative structure of the organization.

(4) The maintenance of qualified membership on all boards and committees.

(5) A constitution, articles of incorporation, bylaws, or other appropriate legal documents which set forth the legal responsibility of the governing board and that of any subsidiary committees or bodies acting in an advisory capacity to the governing board.

(c) Subsection (2) of Section 34025 does not apply to organizations licensed January 1, 1970 prior to / except when:

substantially

(1) There is a plan to/increase the number of children enrolled to be / (See Subsection (c) of Section 34001), or

(2) A change in organizational structure would result in a basic change in the method of administering the day nursery.

(3) The license has been voluntarily terminated for more than three years.

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34026. BOARDS AND COMMITTEES - NONPROFIT CORPORATIONS AND ASSOCIATIONS.

- (a) The membership of governing boards and advisory committees shall include representation of any groups or organizations which are identified as public sponsors of the day nursery.
- (b) Each board shall be of a size to function efficiently.
- (c) When responsibility for the day nursery program of a corporation or an association which carries additional functions is delegated to a day nursery committee, that committee shall be represented on the board of the corporation or association, and there shall be a written statement of the responsibility and authority delegated to the day nursery committee.

34027. MEETINGS - BOARDS OF NONPROFIT CORPORATIONS AND ASSOCIATIONS

Meeting requirements:

- (a) The governing board of each nonprofit day nursery shall hold regularly scheduled meetings often enough to transact necessary business.
- (b) The director shall be included in all regular meetings of boards and committees at which matters concerning the day nursery are considered.
- (c) The director may be excluded from those portions of the meeting which deal with the discussion of his performance, salary or other of his working conditions.

34028. INCORPORATION - NONPROFIT NURSERIES. Nurseries conducted as one function of a larger nonprofit corporation need not be incorporated separately.

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34040. FUNDS - APPLICANTS FOR A NEW LICENSE. The applicant for a new

license must:

(a) Have the financial ability to meet the cost of providing and equipping the physical plant and meeting other capital costs.

(b) Have available at the beginning of operation cash, other liquid reserves, guarantees by a responsible governing board or predictable income to cover the estimated cost of operation of the day nursery, in accordance with the regulations set forth in this manual and such additional services as may be set forth in policy and advertising statements, for at least three months. The number of enrolled children or children who may, with reasonable certainty be expected to enroll, may be included in determining the "predictable" income.

(c) Submit a written statement to the State Department of Social Welfare demonstrating financial ability to meet the fiscal requirements for a license.

34041. FUNDS - ALL DAY NURSERIES. Resources

(a) Each day nursery shall have sufficient resources in the form of financial reserves, anticipated income, or guarantees by a responsible governing board to insure a day nursery operation in keeping with the regulations set forth in this manual.

(b) Cash or other liquid assets sufficient to meet current obligations shall be available at all times.

(c) The funds shall be accounted for in a manner which makes it possible to show income and expenditures for the day nursery program.

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(Pursuant to Government Code Section 11380.1)

34065. RESPONSIBILITIES OF DIRECTORS.

(a) There must be a responsible director in charge of the nursery at all times it is in operation. To be in charge means that (except for programs lasting more than eight hours) the director must usually be on the premises, available to staff, parents, and children. He may not accept outside employment which interferes with these duties.

(b) In a proprietary institution the director may be the owner or an employee of the owner.

(c) The structure of some organizations is such that substitution of the term "head teacher" is appropriate for the term "director". Such a difference in position title is acceptable provided the head teacher meets the qualifications of the director and there is appropriate written delegation of responsibilities.

(d) Licensees who are directors and who own two or more day nurseries must limit the responsibilities they carry. Each such day nursery must have a full-time director. The licensee may serve as the full-time director of one of the day nurseries or may serve as the executive director for all the day nurseries, employing a full-time director for each nursery.

(e) If the Director devotes full time to the operation of the day nursery, he may be included in the child-teacher ratio at all times he is on the premises.

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(Pursuant to Government Code Section 11380.1)

34066. QUALIFICATIONS OF DIRECTORS.

(a) Age

The director must be at least 21 years of age.

(b) Education and Experience

(1) The director must have education and experience which will provide the knowledge and skill needed to carry out an effective program of child care set forth in these regulations and must meet one of the following requirements:

(A) High school graduation and successful completion of 12 semester units or the equivalent in Early Childhood Education or other formalized training, under a qualified instructor, in working with children of the age group to be served and the equivalent of three semester units in administration or staff relations and four years of teaching and child care experience in a day nursery or comparable group child care program.

OR

(B) One year of attendance at an accredited college or Junior College, and successful completion of 12 semester units or the equivalent in Early Childhood Education or other formalized training, under a qualified instructor, in working with children of the age group to be served and the equivalent of three semester units in administration or staff relations, and two years teaching and child care experience in a day nursery or comparable group child care program.

OR

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34066. QUALIFICATIONS OF DIRECTORS. (Continued)

- (C) Two years of attendance at an accredited college or junior college and completion of 12 semester units or the equivalent in early childhood education or other formalized training, under a qualified instructor, in working with children of the age group to be served and the equivalent of three semester units in administration or staff relations, plus one year of teaching and child care experience in a day nursery or comparable group child care program.

OR

- (D) A Bachelor's degree from an accredited college and
1. A major in Early Childhood Education, or
 2. Successful completion of 12 semester units or the equivalent in early childhood education or other formalized training, under a qualified instructor, in working with children of the age group to be served and the equivalent of three semester units in administration or staff relations.

34066.1. QUALIFYING EXPERIENCE AND TRAINING.

(a) Experience to be qualifying must be verified, satisfactory, full time (at least 3 hours per day for a minimum of 100 days in a calendar year) as a paid or volunteer staff member under supervision of a person who would qualify as a director under these regulations.

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(Pursuant to Government Code Section 11380.1)

34066.1. QUALIFYING EXPERIENCE AND TRAINING. (Continued)

(b) The 12 semester units in working with children shall

include courses covering the equivalent of the following:

(1) Child Growth and Development or Human Growth and Development.

(2) Child, Family and Community or Child and Family.

(3) Program.

(4) Retroactive Qualification

The education and experience requirements do not apply to directors who were employed prior to January 1, 1970. A director who qualifies under this provision shall so qualify for a period of three years following termination of employment.

34067. SUBSTITUTE FOR THE DIRECTOR.

(a) When the Director is required to temporarily be absent from the nursery, arrangements shall be made for a teacher who is at least 21 years of age to substitute for him.

(b) If the Director is absent from the nursery on more than a temporary basis, provision shall be made for the regular services of an Acting Director, who at least meets the qualifications for a teacher.

(c) If the absence is for more than three months, the Acting Director must meet the qualifications of a Director.

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(Pursuant to Government Code Section 11380.1)

34068. TEACHERS (ADULT SUPERVISORS) - NUMBER - ALL NURSERIES

34068.1 TEACHER - DEFINITION. A teacher is an individual, at least 18 years of age, who meets the requirements for all staff, Section 34063, and the educational requirements as herein defined.

34068.2 TEACHER ASSISTANT - DEFINITION. A teacher assistant is an individual at least 18 years of age who meets the requirements for all staff (Section 34063), and who works, with a teacher, full time with a group of children in keeping with the hours the day nursery is in operation. The work with the children shall include assisting the teacher in planning and supervising their education and care.

34068.3 CHILD-TEACHER RATIO

(a) There must be an adequate number of qualified teachers on duty during the hours the nursery is in operation.

(b) No group of children shall be left without adult supervision at any time.

(c) There must be a teacher in charge of each group of children and another adult must be immediately available to substitute in case of emergencies.

(d) There must be an overall ratio of not less than one teacher to 10 children, ages 2 through 4.

(e) The ratio may be one teacher to 15 children for children five years of age or older.

(f) The ratio may be one teacher to 15 children in a nursery which enrolls no children under age four.

(g) A teacher-assistant may be used in a ratio of one teacher and one assistant for every 15 children, regardless of age.

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34068.3 CHILD-TEACHER RATIO (Continued)

(h) Any nursery school which follows an educational philosophy and training program which is promulgated on a State or National basis by a recognized organization and generally recognized by the public as a definite philosophy of education, may apply to the SDSW for a waiver of this section if the regulation violates the philosophy of education providing that:

- (1) The licensed facility is certified by the State or National organization as meeting its educational standards and:
- (2) The licensed facility is identified publicly as following the tenets of the State or National organization and is so recognized by the consumers and:
- (3) There is a ratio of at least one adult to each 10 children, aged 2 through 4, or a ratio of one adult to each 15 children, aged 5 or over.

(1) For ratios for parent-cooperative nursery schools, see Section 34069.

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(Pursuant to Government Code Section 11180.1)

34068.4 QUALIFICATIONS OF TEACHERS

(a) Teachers employed after January 1, 1970, shall meeteither of the following requirements:

(1) At least two years experience in group child care, as defined in 34066.1 and enrolled in a course of study leading to a high school diploma or the equivalent ; or graduation from high school or the equivalent such as securing a passing grade in an appropriate examination
AND
Successful completion of 12 semester units or the equivalent in early childhood education or other units of formalized training, under a qualified instructor, in working with children of the age group served by the day nursery.

(2) At least two years experience in group child care as defined in 34066.1 and enrolled in a course of study leading to a high school diploma or the equivalent; or graduation from high school or the equivalent, such as securing a passing grade in an appropriate examination.

AND

After employment, successful completion of at least two semester units or the equivalent in Early Childhood Education or other formalized training, under a qualified instructor, in working with children of the age group served by the day nursery, each year, until at least 12 such units shall have been completed.

(b) The education requirements do not apply to teachers employed before January 1, 1970. A teacher who qualified under this provision shall so qualify for a period of three years following termination of employment.

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(Pursuant to Government Code Section 11380.1)

34068.5 DUTIES OF TEACHERS

(a) The teacher shall work full time with a group of children in keeping with the hours the nursery is in operation. The work with the children shall include planning and supervision of their care.

(b) The teacher shall have responsibility for:

(1.) Supervising the children individually and as a group.

(2) Providing care, guidance, and developmental experiences, meeting appropriate educational and emotional needs of the children.

(c) The teacher shall not be expected to carry out simultaneously other responsibilities, except that during the children's rest period, he may perform some additional tasks related to his teaching function, provided the children are adequately supervised.

34070. VOLUNTEERS AND OTHER ASSISTING PERSONNEL

Volunteers and other assisting personnel who are not on full-time duty may be added to the staff to enrich the program. These may include teenagers provided they are at least 16 years of age and work directly under the supervision of a teacher and are not given responsibilities beyond their level of maturity.

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(Pursuant to Government Code Section 11380.1)

34227. PHYSICIAN'S REPORT.

(a) Prior to admission, the nursery must obtain for each child, not otherwise exempt, as provided below, a written report from a licensed physician, preferably the family physician.

(b) The physician's report must cover the child's:

- (1) General health.
- (2) Physical and emotional maturity.
- (3) Special problems and needs.
- (4) Immunizations.
- (5) Test for tuberculosis.

(c) The parent shall be required to have the child examined prior to admission, if the child has not had regular health supervision and there is no physician who can complete the report on the basis of his prior knowledge of the child's health.

(d) Exemption: Parents who adhere to a religious faith practicing healing by prayer or other spiritual means, may be exempted from this requirement if they:

- (1) Provide the required health history.
- (2) Sign a statement which indicates their:
 - (A) Acceptance of full responsibility for the child's health.
 - (B) Refusal to obtain a medical examination of the child.
 - (C) Request that no medical care be given to the child.

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(Pursuant to Government Code Section 11380.1)

34229. IMMUNIZATIONS.

(a) All children not exempt from this requirement must have the following immunizations before admission:

- (1) Smallpox vaccination
- (2) Diphtheria
- (3) Pertussis
- (4) Tetanus
- (5) Poliomyelitis
- (6) Measles

(b) The nursery must obtain, as part of the preadmission evaluation, information as to whether such immunizations have been given, and shall refer all children not adequately protected for necessary immunizations.

(c) Exemption: A child may be exempted from this requirement when:

- (1) His physician recommends against immunization on medical grounds, or
- (2) His parents sign a request for exemption on the basis of religious belief.

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FACE SHEET
 FOILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

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OCT 21 1969

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING

(GOV. CODE 11380.1)

OCT 21 1969

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare
 (Agency)

Dated: October 17, 1969

By:

John C. [Signature]

Director

(Title)

FILED

in the office of the Secretary of State
 of the State of California

OCT 22 1969

At 2:55 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: *[Signature]*
 Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.
 These regulations do not contain any building standards.

10-051 REQUIRED SERVICE PROGRAMS - ALL COUNTIES (Continued)

10-051

.9 Homemaker Services - Adults

To help aged, blind, and disabled adults remain in or return to their own homes and to help maintain and strengthen their capacities for self-care by placing in the home a specially trained person to provide direct services and help individuals raise their levels of functioning in the areas of personal care and household management. (See Chapter 30-500.)

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(Pursuant to Government Code Section 11380.1)

10-053 RECOMMENDED SERVICE PROGRAMS (Continued)

10-053

.6 Homemaker Services - Children

To prevent family disruption and safeguard the care of children and others when the natural homemaker is absent or unable to function and to help maintain and strengthen family life by placement in the home of a specially trained person to assist the responsible relative to provide child care, home management and related supportive services, and to demonstrate and help teach improved methods of child care and homemaking. (See Chapter 56-120.)

10-072 FORMER AND POTENTIAL RECIPIENTS OF CATEGORICAL PUBLIC ASSISTANCE (Continued)

10-072

.2 Services for Former and Potential Recipients

.21 All individuals and families certified as Medically Needy are eligible for all required (Section 10-051) and recommended Services (Section 10-053) on the same basis as current applicants for or recipients of categorical public assistance when they request such Services, except for homemaker services-adults. (See Section 10-051.91)

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(Pursuant to Government Code Section 11380.1)

10-203 STAFFING STANDARDS (Continued)

10-203

.9 Homemakers (Chapter 30-500)

- .91 The county staffing plan for homemaker positions shall be based on reasonable estimates of the projected caseload for whom homemaker services are planned, including provision for substitutes when regularly assigned homemakers are absent due to vacations, illness, training or other reasons.
- .92 Employment of homemakers by the county shall be in accordance with civil service or merit system regulations.
- .93 Priority shall be given to training recipients of public assistance to meet the requirements for employment subject to the limitations of .92 above.
- .94 The suggested standard for the number of homemaker supervisor positions in the approved county budget is an average of not more than 10 full-time homemaker positions per supervisor. If part-time homemakers are included, the suggested standard for the number of workers per supervisor is an average of not more than 15. The county shall include in its county plan for SDSW review and approval, any staffing pattern which does not meet the suggested standards.
- .95 Provision shall be made in the approved county budget for adequate supporting clerical staff.

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30-500 HOMEMAKER SERVICES - ADULTS

30-500

30-501 OBJECTIVES

30-501

To help aged, blind, and disabled adults remain in or return to their own homes, and to help maintain and strengthen their capacities for self-care by placing in their home a specially trained person to provide direct services and help individuals raise their level of functioning in the areas of personal care and household management. (See Section 10-051.9.)

30-503 INTRODUCTION AND PURPOSE

30-503

Homemaker services are provided directly within the person's home by staff recruited, trained and supervised in accordance with standards established by SDSW. These services are used to complement and augment, and not substitute for, social work, out-of-home care, nursing or other professional services.

Homemaker services are provided as a result of a social and, when indicated, a medical or psychiatric evaluation and recommendation. These services may be provided on a full- or part-time basis and for short or continuing periods, according to the service needs of the individual, and within the expenditure limit of \$300 personal services costs per case per month so far as state cost sharing is concerned. Counties may expend beyond this limit on a federal-county cost sharing basis but are not required to do so.

Provision of homemaker services shall be carefully weighed in relation to the social and protective benefits for the person and to the comparative cost of out-of-home care.

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30-503 INTRODUCTION AND PURPOSE (Continued)

30-503

The purpose for which homemaker services are provided include any or a combination of the following:

- .1 To provide household management and maintenance, personal care, and related supportive services to enable aged, blind, and disabled adults to remain in or return to their own homes.
- .2 To prevent disruption of the home, maintain family life, and safeguard the care of dependent adults when the usual homemaker or caretaker is unable to function due to physical or mental illness, death, absence or other crisis.
- .3 To help develop and to teach by demonstration, where appropriate, improved household management and housekeeping practices, self-care and independent functioning.
- .4 To help individuals make more effective use of existing community resources and to encourage participation in community life.

30-505 PERSONS ELIGIBLE FOR HOMEMAKER SERVICES

30-505

The county welfare department shall provide homemaker services as needed for persons applying for or currently receiving OAS, AB and ATD.

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(Pursuant to Government Code Section 11380.1)

30-507 COUNTY PLAN FOR HOMEMAKER SERVICES

30-507

- .1 The county welfare department shall submit to SDSW for approval a plan to provide homemaker services. In keeping with the needs of the individual county, the plan will provide homemaker services through homemakers employed by the county welfare department or through contract with a voluntary nonprofit agency, proprietary agency, other public agency, or with an individual.
- .2 The county plan for homemaker services shall be developed in accordance with the standards set forth in this chapter and in accordance with Fiscal, Merit System and Training requirements established by the SDSW.
- .3 In ATD all grant allowances for attendant care shall be terminated not later than March 31, 1971, and the county's homemaker services shall be operative not later than April 1, 1971.
- .4 In OAS and AB all grant allowances for attendant care shall be terminated not later than March 31, 1972, and the county's homemaker service shall be operative not later than April 1, 1972.
- .5 The county plan for homemaker services shall be submitted to the SDSW at least 45 days prior to the date on which the approved plan is to become operative.
- .6 These regulations may be implemented on a case-by-case basis provided there is no overlapping of allowances for attendant care and the provision of homemaker services in the same case.

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30-507 COUNTY PLAN FOR HOMEMAKER SERVICES (Continued)

30-507

- .7 All grant allowances for attendant care, not to exceed \$300, are subject to the limitations of regulation Section 44-239 and such allowances shall be subject to participation by the county under the usual categorical public assistance formula.

30-508 STANDARDS FOR HOMEMAKER SERVICES

30-508

In developing and administering a program to provide homemaker services, the county welfare department shall develop policies and procedures that:

- .1 Assure administrative responsibility for homemaker services in the county department is clearly designated, and is organizationally assigned as a service program, with provision for continuing coordination of homemaker services with other parts of the agency program.
- .2 Social ^{work} services shall be provided to an applicant or a recipient of homemaker services for assessment of need, continuance of services or at other times as indicated.
- .21 Persons considered eligible for home health aide services from certified home health agencies shall be referred to such agencies.
- .22 Persons requiring out-of-home care shall be assisted to make such a plan.
- .3 Define the types of situations in which homemaker services will be provided.
- .4 Determine the nature and extent of homemaker services which will be provided in each situation with full consideration to alternative methods of care. (State participation in the cost of homemaker services provided

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30-508 STANDARDS FOR HOMEMAKER SERVICES (Continued)

30-508

to or purchased for any individual shall not exceed \$300 for personal services costs in any one month.)

- .41 Homemaker services shall be recommended by the social worker and provided subject to approval by the homemaker unit.
- .42 Continuance of homemaker services are to be evaluated as often as necessary, but at least every six months.
- .5 Assign homemakers, based on:
 - .51 Assessment of general qualifications.
 - .52 Evaluation of additional qualifications needed for specific kinds of situations.
 - .53 The most efficient and effective use of the homemaker's time and skills.
- .6 Provides for:
 - .61 Recruitment of homemakers through special recruitment efforts, as needed, in addition to normal recruitment channels.
 - .62 Employment of homemakers by the county in accordance with civil service or merit system regulations.
 - .63 Through contract with:
 - .631 Nonprofit voluntary agency.
 - .632 Proprietary agency.
 - .633 Public agency.
 - .634 Individual.
 - .64 Training of homemakers in accordance with the SDSW staff development regulations and requirements and including:

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(Pursuant to Government Code Section 11380.1)

30-508 STANDARDS FOR HOMEMAKER SERVICES (Continued)

30-508

- .641 Orientation to the county welfare department's purpose, structure, program, processes and methods generally, and to the purpose and objectives of homemaker services specifically.
- .642 Necessary and appropriate training for the specific tasks to be performed by homemakers, in accordance with established standards for such training.
- .643 Additional inservice training at regular periodic intervals to enhance the depth and scope of the homemaker's knowledge, competence and usefulness to the department.
- .65 Program direction and supervision:
- .651 The homemaker program must be under the general direction of experienced social work staff. This may be accomplished by the assignment of direct supervision of homemakers to designated social work staff. An alternative is the designation of experienced social work staff in the role of consultant and coordinator and the responsibility for direct supervision of homemakers assigned to an appropriately experienced staff member, i.e., an experienced homemaker, LVN, nurse, home economist, etc.
- .652 Coordination of homemaker services with social services of the department as a whole and approval of cases for homemaker services shall be the responsibility of the designated social work staff.
- .66 Evaluation of the performance of homemakers, based on:
- .661 Clear statements describing the tasks homemakers are expected to perform.

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(Pursuant to Government Code Section 11380.1)

30-508 STANDARDS FOR HOMEMAKER SERVICES (Continued)

30-508

.662 Standards for assessing the performance and progress of homemakers.

.67

.67 Consultation to homemaker staff, as required, from physicians, nurse, home economists and other appropriate persons.

.68 Records and reports are required.

.69 Coordination of the county department's homemaker services with other community resources and services.

30-509 PURCHASE OF HOMEMAKER SERVICES

30-509

The county welfare department may provide homemaker services through contract (see Section 10-034) with a voluntary-nonprofit agency, proprietary agency, or other public agency or individual providing the following requirements are met:

.1 General Requirements

The following are applicable in all situations in which homemaker services are provided through purchase of service:

.11 If efficient administration of available resources indicates the advisability of purchasing services and the basis for such determination is recorded in the county plan for homemaker services.

.12 A written record of the performance of the service contractor (agency or individual) shall be prepared at least annually and made available to the SDSW upon request.

.2 Contracts With Other Agencies

In addition to the general requirements in .1 above, the following conditions must be met when homemaker services are provided through contract with a voluntary-nonprofit agency, proprietary agency, or other public agency:

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(Pursuant to Government Code Section 11380.1)

30-509 PURCHASE OF HOMEMAKER SERVICES (Continued)

30-509

- .21 The contract between the county welfare department and the other agency shall include a provision which assures that preference in the employment of homemakers will be given to recipients of public assistance and persons in other low income groups.
- .22 Qualifications for homemakers secured through contract with another agency shall be the equivalent of the minimum qualifications established for employment of homemakers under civil service and merit system regulations.
- .23 Training provided for homemakers secured through contract with another agency shall be equivalent to the standards for training of homemakers employed by the county welfare department.
- .24 Provision of homemaker services secured through contract with another agency shall be in accordance with the standards set forth in Section 30-508.
- .25 Contracts with proprietary agencies:
- .251 When homemaker services are purchased from a proprietary agency, the total cost of such services shall not exceed by more than five per cent the total cost of comparable services if provided by staff employed by the county welfare department. So far as state cost sharing is concerned, personal services costs cannot exceed \$300 per case per month. Counties may expend beyond this limit on a federal-county cost sharing basis *BUT ARE NOT REQUIRED TO DO SO.*
- .252 Shall meet the requirements of Sections 30-508 and 30-509.

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(Pursuant to Government Code Section 11380.1)

30-509 PURCHASE OF HOMEMAKER SERVICES (Continued)

30-509

.3 Contracts With Individuals

Under exceptional circumstances where needed services cannot otherwise be provided, such as geographical isolation, care by a relative or a long-standing arrangement essential to the recipient, or the prohibitively high cost of ^{agency} homemaker service, the county may contract with individuals:

- .31 The individual providing homemaker services shall be a person of demonstrated concern and responsibility whose service is essential to the well-being of the recipient.
- .32 The contract between the county welfare department and the individual shall conform to 44.239, Special Need for Attendant Services.
- .321 A description of the duties to be performed by the homemaker.
- .322 The number of hours of employment per month covered by the contract and the rate of pay as stated in 44.239.2 through 44.239.264 (c).
- .323 A statement that the individual homemaker assumes responsibility for the costs of his meals, transportation and all other work-related personal expenses and that no additional payments will be made by the county welfare department or the recipient of the service for any of these items.
- .324 Provision for the homemaker to notify the county welfare department in the event of illness or other circumstances which prevent the homemaker from providing the services as set forth in the contract.

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30-509 PURCHASE OF HOMEMAKER SERVICES (Continued)

30-509

- .33 Provision is made for a home visit as often as necessary, but at least once every three months to assure that the services as needed and agreed upon are being provided.
- .34 Provision is made for training and supervision, as necessary and appropriate, for individuals providing homemaker service through contract with the county welfare department.
- .35 The contract between the county welfare department and the individual providing homemaker services shall be reviewed and modified or renewed as often as necessary, but at least once a year.

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(Pursuant to Government Code Section 11380.1)

FINDING OF EMERGENCY

The adoption and revision, respectively, of the following regulations of the Department of Social Welfare are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Adoption of Regulations 10-051.9, 10-053.6, 10-203.9,

30-500 to 30-509 and revision of Regulations 10-072.21.

The following facts constitute the emergency with respect to the Regulations listed above:

1. It was the intent of the Legislature in enacting Chapter 1399, Statutes of 1968, also known as the Homemaker Services Act, to help the aged, blind, and disabled to remain in or return to their own homes in preference to institutionalization when this is the most economical and appropriate plan.
 2. In 1969, the Legislature amended the Act through enactment of Chapters 117, 660 and 1163, Statutes of 1969, to provide for a gradual case-by-case transfer from attendant care through utilization of homemaking services. Chapter 660 is an urgency measure, effective July 31, 1969.
 3. Prompt implementation of this legislation requires immediate adoption of the regulations referred to above to carry out legislative intent.
 4. Moreover, failure to adopt implementing regulations immediately will reduce the ability of the state and the counties to secure full advantage of federal matching funds. Any failure to secure maximum federal funding will necessarily have an immediate adverse effect on the health, safety and general welfare of the people of this State.
- The regulations described above must therefore be adopted, or revised, as the case may be, with an effective date of November 1, 1969.

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Office of Administrative Procedure

ENDORSED

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(GOV. CODE 11380.1)

OCT 24 1969

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare
(Agency)

Dated: October 17, 1969

By: *John C. M. [Signature]*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

OCT 24 1969

At 12:24 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: *[Signature]*
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

CHAPTER 30-220 MONEY MANAGEMENT
30-222 MONEY MANAGEMENT SERVICES

30-222

.1 Definition and Purpose

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.11 Definition

Money management services are activities undertaken to help individuals and families achieve and maintain effective management of their available resources. Effective money management is the ability to plan for and control the expenditure of income in ways which provide for and protect the well-being of the individual and family.

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30-222 MONEY MANAGEMENT SERVICES (Continued)

30-222

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.12 Purpose

Services staff shall provide or make available money management services for the purpose of supporting and strengthening the individual's capacity to manage his own affairs and control the expenditure of his money, including the assistance payment. Where appropriate, these services shall be provided to a legal guardian or conservator to help achieve effective management of the recipient's or family's financial resources.

The specific purposes of money management services are to help people

- a. Plan for the use of income to meet current and future needs and obligations;
- b. Secure greater benefits from currently available resources;
- c. Prevent the development of money management problems;
- d. Resolve existing money management problems; ~~AND TO~~
- e. Act on behalf of persons who are unable to assume responsibility for managing their own finances in their own best interests.

.2 Services to be Provided

Money management services to be provided ^{or made available} as appropriate in implementing the individual plan for services in accordance with Sections 30-204 and 30-206 shall include:

- a. Help with planning budget and expenditures
- b. Consumer education
- c. Legal consultation
- d. Consultation with creditors
- e. A nonprofit debt adjustment service
In AFCD only,
- f. / provision for money payments at intervals and in installments
suited to the individualized plan (See Section 44-307.7)
in AFDC only,
- g. Use of protective payments on vendor payments
- h. Other appropriate services and resources available within
the county welfare department and the community. Effective 12/1/69

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(Pursuant to Government Code Section 11380.1)

30-222 MONEY MANAGEMENT SERVICES (Continued)

30-222

.21 Preventing Money Management Problems

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Money management services shall be directed to the fullest extent

possible toward preserving the individual's ability to manage his

own affairs and preventing the development of money management problems.

.22 Identifying Money Management Problems

A money management problem exists when the recipient or AFDC relative is unable to manage available income in ways which provide for and protect the well-being of the individual and AFDC family.

Circumstances which indicate that there may be a problem in money management include:

a. Recipient's expressed concern about use of available income;

essential

b. Worker's observations that ^ needs are being neglected;

c. Reports from the community that essential needs of the recipient or family appear to be neglected;

d. Complaints about repeated failure to meet financial obligations incurred by the recipient or family.

When these or similar circumstances exist, services staff shall take appropriate steps to assess whether there is a problem in money management.

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30-222 MONEY MANAGEMENT SERVICES (Continued)

30-222

.23 Resolving Money Management ProblemsOAS
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Services provided when a money management problem has been identified shall be directed toward helping the recipient or AFDC relative achieve and maintain the capacity to manage his own affairs as soon as and to the fullest extent feasible.

Every effort shall be made to resolve the problem through provision of services which leave with the recipient or AFDC relative the greatest degree of control of his affairs consistent with the well-being of the individual and family.

When it is established that other money management services are not adequate to resolve money management problems, provision may be made for payment of the assistance grant either

(through a protective payment)

- a) /to a substitute payee who acts as representative of the recipient but is not a legally appointed guardian or conservator; or
- b) in AFDC, through vendor payments directly to an individual or agency supplying goods or services to the family.

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30-222 MONEY MANAGEMENT SERVICES (Continued)

30-222

.3 Plan for Services When Protective Payments or Vendor Payments are Used

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When services to resolve money management problems include use of a protective payment or vendor payments, the individual plan for services shall

.31 Document the basis for the determination that

- a) the recipient or AFDC relative has demonstrated such inability to manage funds that his well-being or that of the AFDC family is seriously threatened; or
- b) the recipient in an adult aid program would be unable, because of his physical or mental condition, to manage funds in his own best interests;

.32 Be reviewed and revised or reconfirmed with the recipient or AFDC relative at least at intervals once every three months in AFDC and at least once every six months in the adult programs; and

.33 Assure that the requirements and conditions set forth in Sections 30-222.4, 30-222.5 and 30-222.6 are met.

.4 General Requirements for Use of Protective Payments and Vendor Payments

The following requirements shall apply when either substitute payees or vendor payments are used as part of a plan for money management services:

.41 Other appropriate money management services must have been provided or made available, and the basis for the conclusion that these services are not sufficient to resolve the problem must be established.

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30-222 MONEY MANAGEMENT SERVICES (Continued)

30-222

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.42 Substitute payees may be used in all programs; vendor payments may be used only in AFDC. (See Section ^{45-109.21} in relation to use of vendor payments for home repairs under special shelter payment provisions.)

.43 It must be established that the recipient or AFDC relative to whom payments are made is unable to manage available funds. In the adult programs, the recipient's inability to manage his funds in his own best interests must be due to a physical or mental condition.

In no instance shall a determination of inability to manage money be made when the problem is caused by error or inadvertence in the administration of the aid payment by the county or by a significant unmet need in the standard of assistance.

Circumstances which may support a determination of inability to manage funds include the following:

.431 Continuing inability to plan and spread necessary expenditures over the usual assistance planning period when the amount and date of receipt of the payment are predictable.

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30-222 MONEY MANAGEMENT SERVICES (Continued)

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.432 Persistent use of available income for purposes other than meeting obligations for food, rent and other essentials consistent with planning between the recipient and services worker.

.433 In the adult programs, medical or psychological evaluations, or other reports of physical or mental conditions such as serious mental retardation, extensive paralysis, continued disorientation, severe memory loss or other incapacities which limit the individual's ability to manage funds.

AFDC Exception: The recipient's inability to manage money need ~~not~~ be established when the WIN sanction is mandated in accordance with Section 30-158.

.44 Selection of the substitute payee or vendor shall be made by the recipient, or with his participation and consent, to the extent possible.

.45 Use of protective payments or vendor payments shall require administrative approval in each case.

.5 Specific Conditions for Use of Vendor Payments or Protective Payments

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In addition to the general requirements set forth above, the following specific conditions shall apply when vendor payments or protective payments are used:

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30-222 MONEY MANAGEMENT SERVICES (Continued)

30-222

.51 Vendor PaymentsAFDC

- .511 When vendor payments are used in a plan to improve the recipient's capacity to handle money, part of the grant may be paid as a ^{money} payment to the recipient ^{if} there is supporting evidence to indicate that the individual or family can manage some cash or if some cash is being provided to meet specified needs.
- .512 When vendor payments are used in applying the WIN sanction as provided in ^{Sections} 30-158 and 44-307.51, more than 50% of the grant must be paid through vendor payments.
- .513 Vendor payments shall not be used to pay back bills.
- .514 The amount paid as a vendor payment for any monthly recurring item of ^{minimum} need shall not exceed the amount specified for the item in the Itemized Cost Schedule unless:
- Total need of the family is met as defined in Section 44-201, or
 - The recipient states in writing that he wants the full cost of the specific item paid and that he understands the implications of such request on planning to help resolve money management problems, including the effect on providing for meeting other essential needs.

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30-222 MONEY MANAGEMENT SERVICES (Continued)

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.52 Protective Payments

OAS .521 In the adult programs, a protective payment may not be made
AB unless the total need of the recipient is met in accordance
ATD with the standard of assistance.

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.522 A protective payment may be made only if the total assistance payment is ^{made} to a substitute payee. However, the substitute payee may provide the recipient with some cash to meet specified needs as part of the plan to improve the recipient's capacity to handle money (See Section 30-222.621).

.523 The substitute payee must be selected and used in accordance with Section 30-222.6.

.6 Appointment and Responsibilities of the Substitute Payee.61 Appointment of Substitute Payee

The following standards shall apply in the selection and appointment of substitute payees:

.611 Criteria for Selection

Criteria for selection of substitute payees shall include interest in or concern with the recipient's welfare, existence of a positive relationship with the recipient, ability to help the recipient make proper use of the assistance grant, accessibility to the recipient, good character and reliability.

Persons who may serve as substitute payees include relatives, friends, neighbors, members of the clergy or of church or community service group, staff members of voluntary social agencies or organizations, and other individuals who meet the criteria set forth above.

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30-222 MONEY MANAGEMENT SERVICES (Continued)

30-222

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The director of a public institution for the mentally ill or the mentally retarded or his designated representative, e.g. chief social worker in the institution, trust officer, etc., may serve as substitute payee ^{for an eligible} recipient in the institution ^{when} no other appropriate person is available to serve as substitute payee.

A county welfare department employee, preferably in a unit providing protective services, may serve as substitute payee when efforts to find a qualified person outside the welfare department are unsuccessful. (See exclusions in Section 30-222.612)

612 Exclusions

Persons who may not serve as substitute payees include the landlord, grocer and other vendors of ^{goods} or services dealing directly with the recipient.

AFDC

In AFDC, the spouse and adult child living in the recipient's home are excluded.

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Any operator, fiscal agent or other person acting in behalf of any public or private facility responsible for the care of the recipient is excluded, except as provided in Section 30-222.611.

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30-222 MONEY MANAGEMENT SERVICES (Continued)

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County department employees who are excluded from serving as substitute payees include staff responsible for determining eligibility or authorizing aid; the county welfare director; special investigative or resources staff; or a person handling fiscal processes related to the eligibility of or the amount of assistance paid to the recipient individual or family. See Section 30-221.622 regarding agency accountability.

.62 Responsibilities of Substitute Payee

The individual who agrees to act as substitute payee in helping the recipient achieve effective management of his finances assumes a dual responsibility to the recipient and to the agency. The payee's responsibilities shall be defined in writing, with copies to the payee, the recipient and the agency.

.621 Substitute Payee - Recipient Relationship

The substitute payee is responsible for seeing that the protective payment is spent for the benefit of the recipient and shall have the authority to make decisions about the expenditure of the assistance payment, subject to the same provisions applicable to vendor payments in Section 30-222-514. The recipient's right to participate in these decisions shall be observed, and expenditures shall be discussed in advance with the recipient to the fullest extent possible.

7 The substitute ^{payee} shall encourage and ~~may~~ assist the recipient's efforts to demonstrate his capacity for money management and assume

increasing control of his own affairs. When feasible, the payee shall provide the recipient with some cash to meet specified needs as part of the plan developed jointly by the recipient, the substitute payee and the agency.

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30-222 MONTH MANAGEMENT SERVICES (Continued)

30-222

622 Substitute Payee - Agency Relationship

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The substitute payee and services staff of the agency shall work together in developing and carrying out plans to improve the recipient's capacity to manage his funds. The staff shall assist the payee in providing constructive help to the recipient, and the payee shall be accountable to the agency for funds spent in behalf of the recipient. (See Section 25-310.22.)

.7 Termination of Use of Protective Payments or Vendor Payments

.71 Evaluation of Appropriateness of Termination

An evaluation of the appropriateness of terminating the use of a protective payment or vendor payments may be initiated by services staff, the substitute payee, the vendor or the recipient.

.71 An assessment of the situation shall be made ^{AT ANY TIME} it appears to the services staff or the substitute payee that termination of the service is indicated for any of the reasons set forth in Section 30-222.72.

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30-222 MONEY MANAGEMENT SERVICES (Continued)

30-222

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.712 The recipient for whom protective or vendor payments are being used shall have the right to request at any time termination of the protective payment or vendor payments in order to demonstrate money management competence or because of disregard for the individual's or family's rights or misappropriation of the assistance payment. Within 10 calendar days of such a request, an administrative review shall be made in accordance with procedure set forth in Chapter 22-100, REQUEST FOR REVIEW. The recipient shall be notified in writing of the findings of the review, the decisions made and the reasons for the decisions, and his right to request a fair hearing if the problem has not been resolved.

.713 An assessment of the need to continue the use of a protective payment or vendor payments shall be made *at least once* every three months in AFDC and *(at least once)* every six months in the adult programs.

.72 Conditions for Termination

The use of a protective payment or vendor payments to help achieve effective money management shall be terminated:

.721 ^{When the} recipient or AFDC relative is considered able to manage funds in his best interest or those of the family. In such instances, other appropriate money management services shall be provided as needed.

.722 ^{When it} is established that there is disregard of the individual's or family's rights or misappropriation of the assistance payment. In such instances, the need for continuing use of a protective payment or vendor payments shall be assessed and prompt corrective action shall be taken.

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30-222 MONEY MANAGEMENT SERVICES (Continued)

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When in
.723 ^N the adult programs it is established that other services are not adequate and that use of a protective payment does not offer adequate protection to the recipient. In such instances, judicial appointment of a guardian or conservator shall be sought and use of the protective payment shall be terminated when such appointment is made. If no such appointment is made and use of a protective payment is not precluded by the court order, use of a substitute payee may be resumed in accordance with the provisions of this chapter.

AFDC

.724 When in AFDC, the family has been on protective or vendor payments for twelve months, unless guardianship or conservatorship of the relative payee has been sought and such action is pending. Such method of payment shall be terminated when (a) a guardian or conservator has been appointed or (b) action for guardianship or conservatorship is denied by a court.

AFDC

.725 When the WIN sanction has been mandated in accordance with Section 30-158 and the person accepts or agrees to accept training or employment.

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44-301 MONEY PAYMENT PRINCIPLE

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Each individual or family has the right to manage his own affairs; to decide what use of his money, including the aid apyment, will best serve his interests; and to make his purchases through the normal channels ^{of} exchange, enjoying the same rights and discharging responsibilities in the same manner as other members of the community.

Aid payments shall be made in conformity with the money payment principle except when a problem in money management exists (See Sec. 44-307), or when authorized sanctions are applied where a person, without good cause, fails to cooperate in an established WIN program.

see 30-158.)
Section

Aid payments are for the benefit of the recipient only and do not constitute income to any other person.

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44-303 AID PAYMENTS - DEFINED

44-303

Aid payments are:

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- .1 Money payments, i.e., payments delivered unconditionally to the recipient or family or to the legally appointed guardian or conservator of the recipient's estate, with no state or county control of the use of the payments.

When a staff person in the county welfare department or in the State Department of Social Welfare serves as a substitute payee or as a court appointed guardian or conservator for the recipient, as provided in Sections 40-107.2 and 30-222.6, his determinations regarding utilization of the aid payments on behalf of the recipient do not constitute "state or county control" within the meaning of this section. However, care shall be taken to leave in the hands of the recipient as much control over the use of the payment as possible and consistent with conditions.

or

- .2 Protective payments, i.e., assistance payments made to a substitute payee serving as representative of the recipient or family - see Section 44-307.5

or

- .3 Vendor payments, i.e., payments made directly to a person or agency supplying goods or services to the recipient or family. Vendor payments are applicable:

- .31 In all aids, for payments on home repairs under special shelter payment provisions (see Section 45-109.21);

- AFDC | .32 In AFDC, for use in money management problem cases (see Section 44-307); and

- .33 In WIN sanction cases (see Section 30-158).

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44-305 AID PAYMENTS - PAYEE AND DELIVERY

44-305

.1 To Whom Paid and DeliveredAFDC .12 Child Living with Parent or Relative

.121 If a child is living with a parent or relative the warrant shall be paid only to the parent or relative unless such parent or relative has a legally appointed guardian or conservator or there is a substitute payee or there is a vendor designated to receive payment (see Section 44-307). In such cases, the warrant is to be paid to the guardian, conservator, substitute payee or vendor.

.122 When the natural father is living in the home, he shall be the payee unless it would clearly be in the best interests of the family for the mother or other relative to be the payee.

.123 The warrant is to be delivered only to the payee or otherwise according to the payee's instructions. If there is an emergency, the warrant may be delivered to a person acting temporarily for the parent or relative payee. (See Section 25-534.40)

AFDC .2 Time of Delivery

.22 Aid payments to AFDC families shall be delivered semi-monthly in advance except in those cases where payment at different intervals is directed by the Services System for a family with a money management problem. (See Section 44-307.7)

.23 AFDC payments for foster care of children shall be delivered monthly after care has been furnished.

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44-307 MONEY MANAGEMENT

44-307

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.1 Money Management - Defined

Money management is the manner in which an individual or family controls, directs, and otherwise manages his or their financial affairs. Effective money management is the ability to plan for and control the expenditure of income in ways which provide for and protect the well-being of the individual and family. (See 30-222.11)

.2 Income Maintenance Responsibilities

(For responsibilities of Social Service System, see Section 30-223)

.21 To assist in the prevention of money management problems by
informing the recipient or family of all ^{INCOME MAINTENANCE} entitlements,
making ^{ALL ALLOWABLE} budgetary provision for needs, and by
processing authorizations for aid promptly.

.22 To identify potential money management problem situations.
(See 44-307.3)

.23 With the knowledge of or on request of the recipient, to make
a prompt referral to the Services System for an assessment
when a money management problem appears to exist.

.24 To implement variations in the method of delivery of aid as
directed by the Services System (44-307.4 ^{THROUGH 44-307.7}).

.25 To inform the Services System when eligibility for aid ceases.

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44-307 MONEY MANAGEMENT (Continued)

44-307

POTENTIAL

.3 Identifying Money Management Problems

include:

Circumstances which indicate there may be a problem in money management

.31 Recipient's expressed concern about use of available income.

.32 Worker's observations that ESSENTIAL needs are being neglected.

.33 Reports from the community that essential needs of the recipient
or family appear to be neglected.

.34 Complaints about REPEATED failure to
meet financial obligations incurred by the recipient or family.

.4 Use of Protective Payments and Vendor Payments

A protective payment or a vendor payment shall be made only as directed
by the Services System (30-222).

AFDC .5 Special Limitation on Vendor Payments

.51 When the vendor payment method is used in applying the WIN sanction
as provided in Section 30-158, more than 50% of the grant must be
paid through vendor payments.

.52 Vendor payments to resolve money management problems shall be made
only in AFDC.

.521 A vendor payment may be combined with a MONEY payment to the
family. In such cases, the Notification of Action (Form 239)
to the recipient shall clearly state the needs covered by the
vendor payment and by the MONEY payment, respectively.

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AFDC | 44-307 MONEY MANAGEMENT (Continued)

44-307

.522 Vendor payments shall not be used to pay back bills.

.523 The amount paid as a vendor payment for any monthly recurring
item of ^{MINIMUM} need shall not exceed the amount specified for
the item in the Itemized Cost Schedule unless:

- a. Total need of the family is met as defined in Section 44-201
or
- b. The recipient states in writing that he wants the full cost
of the specific item paid and that he understands the
implications of such request on planning to help resolve
money management problems, including the effect on providing
for meeting other essential needs.

AB | .6 Special Limitation on Protective Payments

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When protective payments are made to a substitute payee no portion of
the grant may be made as a vendor payment or as a ^{money} payment to the
recipient.

AFDC | .7 Variation in Delivery of Aid Warrants

When directed by the Services System, payments may be made more
frequently than twice monthly and need not be equal in amounts.

AFDC | .8 Termination of Protective Payments and Vendor Payments

In AFDC, protective payments or vendor payments shall not continue beyond
twelve months unless guardianship or conservatorship ^{OF THE RELATIVE PAYEE} has been sought and
such action is pending. Such method of payments shall be terminated
when (a) a guardian or conservator has been appointed or (b) action
for guardianship or conservatorship is denied by a court.

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44-315 AMOUNT OF AID (Continued)

44-315

AFDC.512 Payment in Equal Installments

Aid shall be paid in equal installments except in these cases
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where payment in unequal amounts is by the Services
System for a family with a money management problem. See
Section 44-307.4.

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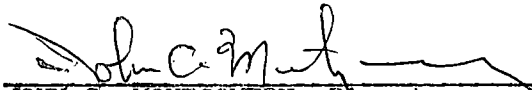
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(Pursuant to Government Code Section 11180.1)

CERTIFICATE OF COMPLIANCE
Under Sec. 111422.1 Government Code

I hereby certify that prior to the adoption of the emergency regulations set forth below Sections 111423, 111424 and 111425 of the Government Code were complied with:

30-215.32 filed with Secretary of State June 26, 1969
30-215.532 filed with Secretary of State June 26, 1969


JOHN C. MONTGOMERY, Director
STATE DEPARTMENT OF SOCIAL WELFARE

Date October 17, 1969

RECEIVED FOR FILING

OCT 24 1969

Office of Administrative Procedure

FILED

In the office of the Secretary of State
of the State of California

OCT 24 1969

At 12:22 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By 
Assistant Secretary of State

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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OCT 29 1969

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.1)

OCT 29 1969

Office of Administrative Procedure

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Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: October 23, 1969

By: John C. Smith

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

OCT 29 1969

At 2:40 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: J. P. Sullivan
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.
These regulations do not contain any building standards.

10-051 REQUIRED SERVICE PROGRAMS - ALL COUNTIES (Continued)

10-051

.6 Child Care Services

To provide protection, care, and developmental experiences, in a group facility, in family day care homes or in their own homes, for children of preschool and school age, usually living in their own homes, whose parents or caretakers need help in making child care arrangements for part of the day when they are at work, engaged in vocational training, or are away from the home for other reasons, and for children with special needs. (See Chapter 30-350.)

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(Pursuant to Government Code Section 11380.1)

~~CHILD~~

30-367 PURPOSE FOR WHICH A CARE FUNDS MAY BE EXPENDED
Administrative funds for child care may be expended for the following purposes:

30-367

.1 Purchase of Care from Public and Private Facilities

Care may be purchased for individual children or obtained by contract for eligible families (see Section 30-365) from licensed family day care homes, licensed day nurseries, Children's Centers, EOA-funded day care facilities or other jointly funded facilities.

.11 Care may be purchased for an individual child either by payment to a vendor or by cash payment to the AFDC family. In either instance, payment shall be from administrative funds.

.2 Direct Operations of Day Care Centers

The county may undertake direct operation of day care centers funded wholly or from several of the sources of federal funds in Regulation Section 30-355 or other sources and which meet licensing regulations in Title 22, Chapter 3, California Administrative Code. In direct operations the following costs are reimbursable:

.21 Staff salaries, training, employee benefits and travel costs for employees engaged in the establishment and operation of day care centers administered by the county welfare department; required medical examinations for child care staff when not otherwise available.

.22 Food, food preparation, utilities, transportation, play materials, play equipment, household supplies and children's furniture.

.23 Liability and other insurance.

.24 Space, minor renovations, rent, etc., but not capital outlay.

.3 Additional Staff in County Welfare Departments

The county may use administrative funds to provide salaries, employee benefits and travel costs for agency staff including aides and volunteers added to perform one or more of the following duties:

.31 Assess the extent and location of the need for day care; the resources currently available; the types and location of additional day care facilities needed (i.e., family day care homes; day nurseries, etc.).

.32 Develop a program for the extension of day care services; coordination of all day care services; establishment of and work with advisory committee.

.33 Develop and provide day care placement and social services for children for whom the county welfare department will provide day care or make payment for care.

.34 Expenses of developing and maintaining the Advisory Committee (See Regulation Section 30-359) including meeting attendance expenses, supportive staff and other technical assistance.

.35 Provide counseling and referral service for other parents seeking day care resources.

Effective 12/1/69

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-367 PURPOSE FOR WHICH CHILD CARE FUNDS MAY BE EXPENDED (Continued) 30-367

.4 Operation of Neighborhood Family Day Care Services

- .41 The county may use administrative funds for salaries and any of the following:
- .411 Space, including safe outdoor play space for children, furnishings, equipment, and supplies needed in establishing the home for the care of the children, e.g., floor covering, cribs or cots, sheets, blankets, play equipment, teaching materials, and other supplies;
 - .412 Maintaining the facility, e.g., rent, heat, utilities, laundry, and cleaning;
 - .413 Food and food preparation for the children in care; and
 - .414 Liability insurance and other insurance protection.
- .42 Services provided by such employees shall meet applicable licensing regulations for the type of care provided, though a license is not required.

.5 Purchase of In-Home Care From Relatives, Friends or Neighbors

The County may use administrative funds to purchase care in the home of the family for whom child care services are authorized by the county. Where such care is purchased the county shall, through the social services system, assure that it meets the following standards.

- .51 The person providing in-home care shall be employed by the parent(s) in whose home the care is to be provided, and shall be responsible to the parent(s) for the adequate performance of her duties. This requirement applies regardless of whether cost of care is reimbursed through direct payment to the recipient or by vendor payment to the person providing in-home care.
- .52 The person providing in-home care shall have attained the age of 18. In an emergency or for a period of four hours or less in any one day the person employed may be only 16 or 17 years of age.
- .53 The person providing in-home care shall be in good physical and emotional health and free from contagious and infectious disease. Annual verification of freedom from tuberculosis is required. If a physical examination is necessary to determine the health status of the person, the cost of the physical examination, if not available without cost from other sources, may be reimbursed from administrative funds.
- .54 The person providing in-home care shall demonstrate the ability to meet the physical and emotional needs of children.
- .55 The person providing in-home care shall be informed of and agree to respect the need for confidentiality.

Effective 12/1/69

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-367 PURPOSE FOR WHICH CHILD CARE FUNDS MAY BE EXPENDED (Cont.)

30-367

- .56 No more than six preschool children, including the children of the person providing in-home care, shall be cared for at any one time. Of this total, no more than two children under age two shall be cared for at any one time unless additional child care or household help is provided to the person providing in-home care.
- .57 Employment shall be limited, except in unusual circumstances or emergencies, to no more than eleven hours in any one day.
- .58 Reimbursement rates for costs of care, including the employer's share of Social Security, shall be established by the county in accord with usual rate of pay in the community for such service. The rate set by the local Department of Employment for "child monitors" may be used for this purpose.

Effective 12/1/69

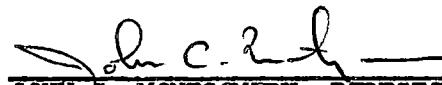
DO NOT WRITE IN THIS SPACE

CERTIFICATION

I hereby adopt the following regulations effective
December 1, 1969:

10-051.6
30-367

Certificate of Compliance



JOHN C. MONTGOMERY, DIRECTOR
STATE DEPARTMENT OF SOCIAL WELFARE

DATED October 23, 1969

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11180.1)

CERTIFICATE OF COMPLIANCE
Under Sec. 111422.1 Government Code

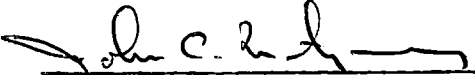
I hereby certify that prior to the adoption of the emergency regulations set forth below Sections 111423, 111424, and 111425 of the Government Code were complied with:

30-155	filed with Secretary of State	July 11, 1969
42-340	" " " " "	July 11, 1969
44-103.2	" " " " "	July 11, 1969

RECEIVED FOR FILING

OCT 29 1969

Office of Administrative Procedure



John C. Montgomery, Director
STATE DEPARTMENT OF SOCIAL WELFARE

Date October 23, 1969

FILED

In the office of the Secretary of State
of the State of California

OCT 29 1969

2:40 o'clock P.M.
FRANK M. JORDAN, Secretary of State
By 
Assistant Secretary of State

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**FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

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OCT 29 1969

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.1)

OCT 29 1969

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare
(Agency)

Dated: October 24, 1969

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

OCT 30 1969

At 3:40 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

10-051 REQUIRED SERVICE PROGRAMS - ALL COUNTIES (Continued)

10-051

.8 Family Planning Services

For all persons eligible for service, to offer and provide information and educational services, counseling, and referral to appropriate resources (including medical contraceptive services) for purposes of providing full access to a broad array of opportunities for voluntary fertility control.
(See Chapter 30-450)

Effective 1/1/70

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

CHAPTER 30-450 FAMILY PLANNING SERVICES

30-451 OBJECTIVES

30-451

.1 General

For all persons eligible for service, to offer and provide information and educational services, counseling, and referral to appropriate resources (including medical contraceptive services) for purposes of providing full access to a broad array of opportunities for voluntary fertility control. (See 10-051.8)

.2 Specific

The broadest array possible of family planning services shall be made available to individuals to meet one or more of the following objectives:

- .21 To promote the health of mothers and children.
- .22 To provide parents and potential parents the opportunity to determine the timing, number and spacing of their children.
- .23 To reduce the incidence of maternal mortality and morbidity.
- .24 To reduce the incidence of infant mortality and morbidity, including prematurity, mental retardation, and congenital defects.
- .25 To strengthen family life, including preventing or reducing the incidence of births out of wedlock.

30-452 DEFINITION

30-452

AB Family planning is a comprehensive service by which parents and potential
ATD parents are helped through the voluntary and purposeful application of
OAS knowledge about conception and contraception to regulate fertility in order
AFDC to conceive only wanted children.

30-453 ELIGIBILITY

30-453

Services shall be offered and made available to any parent or potential parent eligible for public social services who wishes such services.

Effective 1/1/70

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-454 GENERAL REQUIREMENTS

30-454

- .1 Acceptance of family planning services shall be voluntary on the part of the individual and may not be a prerequisite or impediment to eligibility for the receipt of any other service or aid under the county plan.
- .2 Individuals shall be assured a choice of method, and, where available, a choice of source of service from among public and private agencies, as well as private physicians and hospitals. Where such services are in short supply, the welfare department shall assist in their development. (See 10-035).
- .3 Referral shall be made to agencies providing a broad range of services, including medical contraceptive services (diagnosis, treatment, supplies and follow-up).
- .4 Medical family planning services shall be provided in accordance with the standards of other state programs providing medical services for family planning (e.g., maternal and child health services).

30-455 COUNTY WELFARE DEPARTMENT RESPONSIBILITY

30-455

Each person for whom family planning services are appropriate, and who is eligible for Services, shall be offered information and assistance with respect to such Services. The worker shall initiate and conduct discussions with respect to family planning, and shall:

- .1 Convey the philosophy that family planning is primarily a health concern between the individual or family and the physician;
- .2 Provide information regarding local family planning resources including the services of the family doctor, a specialized Family Planning Agency, a family planning clinic in the local health department, etc.;
- .3 Assist persons who wish to investigate or utilize available resources in the community; and to follow up on referrals to such resources;
- .4 Assure that each person with whom family planning is discussed is at all times free from coercion, pressure or persuasion to accept family planning service against his or her will.

Effective 1/1/70

FACE SHEET
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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NOV 25 1969

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.1)

NOV 25 1969

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare
(Agency)

Dated: November 24, 1969

By: *John C. [Signature]*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

NOV 25 1969

At 12:17 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: *[Signature]*
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS, AND RESTORATIONS

40-125

.1 County Responsibility - General Requirements

Responsibility for accepting the application and taking all actions necessary to determine eligibility or ineligibility and for granting or denying aid rest with the county where the applicant lives. (See Sections 40-125.3 and 40-107)

Effective 12/1/69

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS, AND RESTORATIONS (Continued) 40-125

AB .2 Definitions

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AFDC

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.21 Applicant - See Section *40-103.5*

.22 County A - County in which the individual "lives" or where the individual makes his home.

.23 County B - County in which the individual is physically present when other than the county in which he lives.

.24 County C - County from which the individual was admitted to an institution

The county in which the individual was living at the time of his admission to the institution is considered to be the county from which he was admitted to the institution. This is presumed to be the county in which he was physically present at the time of his admission to the institution. This presumption may be overcome by evidence he was, in fact, living in a county other than the county of physical presence at the time of his admission to the institution. (See .3 below.)

.25 Medical Facility - As used herein means a nursing home or hospital, including a facility licensed by the Department of Mental Hygiene for the care of the mentally ill. (Section 40-189.23.)

Effective 12/1/69

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS, AND RESTORATION
(Continued)

40-125

.3 Determining County of Responsibility - County Where Applicant Lives

AB
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The county where the applicant is physically present when he makes his application is considered to be the county in which he "lives" except under the circumstances specified in Secs. .31 through .36 below. However, even though circumstances permitting an exception exist, counties may, by mutual agreement, consider that the applicant "lives" in the county in which he is physically present.

.31 Applicant in County "B" Maintaining Living Place in County "A"

An applicant in County "B" is considered to live in County "A" if he plans to return to County "A" within 45 days of the date of application and is maintaining a living place in County "A."

.32 Applicant Who Is An Inpatient, or a Former Inpatient In a State Hospital for the Mentally Ill or Mentally Retarded

An applicant who is an inpatient in a state hospital for the mentally ill or has been released from inpatient status in such a hospital for a period of less than three years is considered to "live" in County "C" subject to the limitations set forth in Secs. .321 and .322 below.

Except as provided in Section .322 below, the three years referred to herein start on the day following the inpatient's release from the hospital and this period is not considered to be interrupted by a temporary period of rehospitalization in a state hospital which is for ten days or less.

At the termination of such three-year period following release from the state hospital, the county in which such individual "lives" is determined in the same manner as for any other person and without regard to his period of hospitalization in the state hospital.

Effective 12/1/69

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS, AND RESTORATION
(Continued)

40-125

AB
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.321 If an applicant was discharged from the state hospital prior to July 1, 1969, the county in which he is considered to "live" is determined in the same manner as for any other applicant and without regard to his period of hospitalization in the state hospital.

.322 An applicant who was released from a state hospital on leave of absence prior to July 1, 1969, is considered to "live" in County "C" for as long as he remains on leave of absence. If the leave of absence is terminated and he is discharged ⁱⁿ after July 1, 1969, it is considered that he continues to 'live in County "C" for a three-year period following the date of his discharge from the hospital.

.33 Applicant Receiving Care in Medical Facility in County B

An applicant who has had to secure and is currently receiving care in a medical facility outside of County A, because such care was not reasonably available to him in County "A" is considered to "live" in the county in which he last maintained a living arrangement outside a medical facility.

When the applicant in a medical facility is a former patient in a state hospital for the mentally ill or mentally retarded, the county in which he is considered to "live" is determined as provided in Section .32 above.

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CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS, AND RESTORATION
(Continued)

40-125

AB
ATD
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AFDC
MN

.321 If an applicant was discharged from the state hospital prior to July 1, 1969, the county in which he is considered to "live" is determined in the same manner as for any other applicant and without regard to his period of hospitalization in the state hospital.

.322 An applicant who was released from a state hospital on leave of absence prior to July 1, 1969, is considered to "live" in County "C" for as long as he remains on leave of absence. If the leave of absence is terminated and he is discharged ^{in 1969} after July 1, 1969, it is considered that he continues to live in County "C"

for a three-year period following the date of his discharge from the hospital.

.33 Applicant Receiving Care in Medical Facility in County B

An applicant who has had to secure and is currently receiving care in a medical facility outside of County A, because such care was not reasonably available to him in County "A" is considered to "live" in the county in which he last maintained a living arrangement outside a medical facility.

When the applicant in a medical facility is a former patient in a state hospital for the mentally ill or mentally retarded, the county in which he is considered to "live" is determined as provided in Section .32 above.

Effective 12/1/69

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS, AND RESTORATION
(Continued)

40-125

AB
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AFDC
MN

.34 Applicant Absent from State Retaining California Residence

An applicant who is absent from the state but retaining California residence, is considered to "live" in the county in which he was living immediately prior to leaving the state. (See Secs. 40-105 and 40-181)

OAS

.35 OAS Applicant - Inmate of Nonprofit Home or Institution

An applicant for OAS, who is an inmate of a nonprofit home or institution to which he was admitted prior to October 1, 1959, is considered to live in County C, for as long as he remains in such home or institution.

.4 Applicant Is in County B But Lives in County A

AB
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OAS
AFDC
MN

.41 Responsibility of County B

County B shall assist in completing the Application Form ABCDM 200, in securing the Affirmation of Eligibility or Statement of Facts Supporting Eligibility, Form 201, shall obtain pertinent information, and immediately send the application, the appropriate Form 201 and supporting information to the county in which the applicant lives (County A).

Upon the request of County A, County B shall assist in determining initial and continuing eligibility, developing a service plan, and in providing needed services to the applicant.

When the applicant or recipient in a state hospital is to be released and will reside in a County B (see .32 above), County B shall also upon request of the State Department of Mental Hygiene or State Department of Social Welfare liaison staff, provide any needed assistance to expedite the application process or to determine continuing eligibility. This county shall also assist, as needed, in planning for care of the applicant outside the hospital, keeping County A informed promptly of their activities on behalf of the applicant.

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(Pursuant to Government Code Section 11380.1)

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS, AND RESTORATION
(Continued)

40-125

AB
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AFDC
MN

.42 Responsibility of County A

County A shall accept the application, complete the determination of eligibility and grant aid if eligibility is established.

.5 Applicant or Recipient Moves After Signing Application or Requesting Restoration

When an applicant moves from one county to another to make his home (see Section 40-189) after application has been signed or restoration requested, the county receiving the application shall complete the determination of eligibility or ineligibility. If eligibility exists, this county shall authorize aid and certify the applicant for medical assistance, or if indicated, certify him as a medically needy person eligible for medical assistance. Intercounty transfer is then initiated with the county in which the recipient is making his home. (See Section 40-189)

AB
APSB | .6 Selection of Appropriate Program for Blind Applicants

In AB and APSB, if an individual appears to be eligible for both AB and APSB or for any other type of aid, it is the responsibility of the county to determine the program which would be more appropriate to his needs. APSB extends a presumed need for the exemption of a given amount of income and property, whereas under AB, a recipient with a plan for self-support can only have exempted those amounts of additional resources and income which are determined to be essential to further the particular plan for self-support. If the applicant or recipient is eligible for aid under either AB or APSB, he shall be granted aid under that program which is of greater advantage to him as measured by the amount of aid which he would receive. An application for AB may be used to grant APSB, if eligible therefor, or vice versa.

The determination of which program, AB or APSB, is more appropriate for the individual shall be made at the time of application for Aid to the Blind; also at the time of each reinvestigation. With some individuals this determination will be made oftener than annually, in order to stimulate toward employment those persons who are capable of accepting and benefiting from stimulation and encouragement in their efforts toward employment.

If the applicant does not meet the conditions of eligibility for a cash grant, the county shall, on the basis of the same application, determine whether he meets the conditions of eligibility for medical assistance as a medically needy person and, if so, make an appropriate certification.

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(Pursuant to Government Code Section 11380.1)

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS, AND RESTORATIONS
(Continued)

40-125

AFDC .7 California Youth Authority Parolees

In AFDC the cost of care of California Youth Authority parolees in foster homes is normally the responsibility of the CYA even though the child may be eligible to AFDC. However, the CYA does not have the means of providing support for the children (born or unborn) of a parolee mother even though she is living in a boarding home. In such cases, the county should accept and process the application for the parolee mother's children. If they are found eligible, the caretaker mother is included in the AFDC grant as a needy parent.

Financial responsibility for eligible Youth Authority wards who are living in their own homes or with relatives is also carried by the county under the AFDC program.

.8 Child Living in Boarding Home or Institution

A child living in a boarding home or institution as a result of placement by a public or private agency of another county is deemed to make his home in the county in which the placement agency is located.

.81 A boarding home is the home of a private family, unrelated to the child, which accepts the child for board and care.

.82 A public or private agency placed the child in a boarding home or institution if the agency:

.821 Actively participated in making the decision as to whether or not the child was to be placed; and

.822 Selected the home or institution; or actively participated in its selection.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-189 RECIPIENT MOVES TO ANOTHER COUNTY TO "MAKE HIS HOME"

40-189

.1 Definitions

AB
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OAS
AFDC
MN

.11 Recipient

A recipient, as used in this section, includes a cash grant recipient or a person certified as medically needy under the same program.

.12 County In which Recipient Makes His Home

A recipient (child in AFDC) is generally considered to "make his home" in the county in which he is physically present except in the following circumstances:

- .121 The recipient who is maintaining a living place (or the AFDC child for whom a home is being maintained) in some county other than that in which he is physically present and who plans to return to that living place within four months is considered to "make his home" in the county in which such living place or home is maintained.

The four-month period starts to run from the date the county paying aid determines that the recipient is "maintaining a home" in some county other than that in which he is physically present. If the recipient fails to return to that home within the four-month period, he is considered to have moved to the county in which he is physically present to "make his home."

AFDC
MN

In AFDC, for the recipient farm labor family which goes to another county to work, the four-months' limitation does not apply when a home base is maintained to which the family will return when not working. The county paying aid and in which the home base is located continues to be responsible until the family establishes a home base in another county.

- .122 In AFDC a child living in a boarding home or institution as a result of placement by a public or private agency of another county as provided in Section 40-125.82 is considered to "make his home" in the county in which the placement agency is located.

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FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

40-189 RECIPIENT MOVES TO ANOTHER COUNTY TO "MAKE HIS HOME" (Continued)

40-189

AB
ATD
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AFDC
MN

- .123 The recipient who is admitted to a state hospital for the mentally ill or the mentally retarded for in-patient care is considered to "make his home" in the county from which he was admitted to the hospital. It is considered that he continues to "make his home" in that county during the period of hospitalization and for a period of three years following his release from the hospital, subject to the limitations set forth in a. and b. below. (See Sec. 40-125.32)

At the expiration of the three-year period, the county in which he "makes his home" is determined in the same manner as for any other person and without regard to his prior period of hospitalization in the state hospital.

- a. If the individual was discharged from the hospital prior to 7/1/69, the county in which he "makes his home" is determined in the same manner as for any other person. He may move from one county to another and his prior period of hospitalization in the state hospital is disregarded in determining the county in which he "makes his home."
- b. If the individual was released on leave of absence from the state hospital prior to 7/1/69 and discharged on or after 7/1/69, it is considered that he continues to "make his home" in the county from which he was admitted to the state hospital for as long as he remains on leave of absence and for three years following the date of his discharge from the hospital.

Effective 12/1/69

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FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

40-189 RECIPIENT MOVES TO ANOTHER COUNTY TO "MAKE HIS HOME" (Continued)

40-189

AB
ATD
OAS
AFDC
MN

.124 The recipient who has to go to a county other than that in which he has been living, solely because needed care in a medical facility is not otherwise reasonably available to him, is considered to "make his home," in the county in which he last maintained a living arrangement outside a medical facility. It is considered that he removes to another county to "make his home" when:

- a. He resumes a living arrangement outside a medical facility in a county other than the county which has been responsible for the aid payment, or
- b. He voluntarily moves to a medical facility in another county even though adequate medical facilities are, by that time, reasonably available in the county which has been responsible for the aid payment.

.125 The county in which a recipient "makes his home" is not changed during any absence from the state provided residence outside the state is not established.

AB
ATD
MN

.126 In AB and ATD a regular student at the California School for the Blind, the Orientation Center for the Blind, a college, university or other school, including a trainee who is enrolled in a short period of training who is a recipient of aid to the blind or disabled through a county other than that in which the school is located is considered "to live" in the county paying the aid at the time of enrollment in school or training plan, provided it is the recipient's plan to return to that county upon completion of the school term, or training. If the recipient fails to return to the county paying aid, after completion of the training period, he is considered to have removed to the county in which he is physically present "to make his home."

AB

.127 In AB if the blind person is a minor, the "county where the blind person lives" is the county where his parents, relative, or person in loco parentis providing a home lives.

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(Pursuant to Government Code Section 11380.1)

40-189 RECIPIENT MOVES TO ANOTHER COUNTY TO "MAKE HIS HOME" (Continued) 40-189

<div style="border-left: 1px solid black; padding-left: 5px; margin-bottom: 2px;">AB</div> <div style="border-left: 1px solid black; padding-left: 5px; margin-bottom: 2px;">ATD</div> <div style="border-left: 1px solid black; padding-left: 5px; margin-bottom: 2px;">OAS</div> <div style="border-left: 1px solid black; padding-left: 5px; margin-bottom: 2px;">AFDC</div> <div style="border-left: 1px solid black; padding-left: 5px;">MN</div>	<p>.128 A person who, pursuant to one of the foregoing exceptions, would be considered to "make his home" in a county other than the one in which he is physically present, may, by mutual agreement of the county concerned, be considered to make his home in the county in which he is physically present.</p>
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.2 Initiation of Intercounty Transfer

Intercounty transfer is initiated immediately:

.21 When a recipient (child in AFDC) moves from one county to another to "make his home."

<div style="border-left: 1px solid black; padding-left: 5px; margin-bottom: 2px;">AFDC</div> <div style="border-left: 1px solid black; padding-left: 5px;">MFI</div>	<p>.22 When responsibility for a child who has been placed in a boarding home or institution by a public or private agency is transferred from an agency in one county to an agency in another county.</p>
--	--

.23 When responsibility of a public or private agency for a child is terminated and the child is making his home in another county.

Effective 12/1/69

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

FINDING OF EMERGENCY

The revisions of the regulations of the State Department of Social Welfare contained in Sections 40-125 and 40-189 of the Public Social Services Manual are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

The following facts constitute the emergency:

1. Chapter 484, Statutes of 1969, amends the provisions of Welfare and Institutions Code 11102 as it relates to county responsibility for aid payments to a person who has been released from a state hospital for the mentally ill or mentally retarded.
2. The primary purpose of the revision of these regulations is to bring them into conformity with said Amendment, which takes effect on November 10, 1969.
3. The revised regulations will, in particular instances, effect changes in the method of determining the county responsible for aid payments to certain persons released from state hospitals.
4. Delay in adopting revised regulations at a time later than December 1, 1969 may well result in unnecessary disputes regarding county responsibility for such aid payments. The delays inherent in such disputes would necessarily have an adverse effect on the public health, safety and general welfare of the people of this state.

The revisions described above must, therefore, be adopted as emergency measures effective December 1, 1969.

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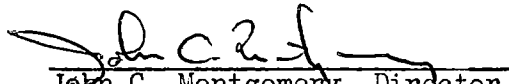
CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

CERTIFICATE OF COMPLIANCE
Under Section 11422.1, Government Code

The State Department of Social Welfare hereby certifies that said agency complied with the provisions of Sections 11423, 11424, and 11425, Government Code, prior to the adoption of the emergency regulations attached hereto.

Section 40-125
Section 40-189


John C. Montgomery, Director
STATE DEPARTMENT OF SOCIAL WELFARE

Date NOV 24 1969

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

CERTIFICATE OF COMPLIANCE
Under Section 11422.1 Government Code

The State Department of Social Welfare hereby certifies that said agency complied with the provisions of Sections 11423, 11424, and 11425, Government Code, prior to the adoption of the emergency regulations filed by said agency with the Secretary of State as set forth below:

- (1) Repeal of Chapters 45-100, 45-120 filed with Secretary of State September 5, 1969, effective immediately, operative July 1, 1969.
- (2) Adoption of recodified Chapter 45-100 filed with Secretary of State September 5, 1969, effective immediately, operative July 1, 1969.



John C. Montgomery, Director
STATE DEPARTMENT OF SOCIAL WELFARE

Date NOV 24 1969


CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

CERTIFICATE OF COMPLIANCE
Under Section 11422.1 Government Code

The State Department of Social Welfare hereby certifies that said agency complied with the provisions of Sections 11423, 11424, and 11425, Government Code, prior to the adoption of the emergency regulations filed by said agency with the Secretary of State as set forth below:

Readoption of revised Section 44-315.2 filed with Secretary of State September 17, 1969, effective December 1, 1969.


John C. Montgomery, Director
STATE DEPARTMENT OF SOCIAL WELFARE

Date NOV 24 1969

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1 FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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NOV 26 1969

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.1)

NOV 26 1969

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: November 25, 1969

By:

John C. Smith

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

NOV 26 1969

At 12:44 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: *J. H. Hill*
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

12-480 REDUCTION IN FORCE

12-480

Any employee may be separated because of lack of funds or curtailment of work. All emergency, provisional, limited term and regular appointees whose last recorded performance ratings are unsatisfactory, serving in the same class in the same department, district office, division, program or function as approved by the personnel executive, shall be laid off before any regular appointee with satisfactory performance.

- .1 in the event of reduction in force the order of separation shall be under a formula established by rule of the personnel executive; and
- .2 the names of regular appointees laid off, or demoted in lieu of layoff, shall be placed on the re-employment list for the class ^{and area} from which laid off.

12-580 REASONS FOR APPEALS

12-580

In addition to the provisions of Section 60, employees who have completed their probationary period shall have the right to appeal decisions relative to reduced compensation, ^{layoff} demotion in lieu of layoff, dismissal, suspension, or other disciplinary or punitive action.

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Effective 1/1/70

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

TABLE II-A

STATEWIDE MINIMUM EDUCATION AND EXPERIENCE STANDARDS FOR SOCIAL SERVICE CLASSES
PRIMARILY USED BY WELFARE DEPARTMENTS

<u>WPS</u>	<u>CLASS TITLE</u>	<u>WPS</u>	<u>EDUCATION AND EXPERIENCE</u>
12-816 (Promotional Pattern)	Eligibility Worker II	12-816.31	Six Months as an Eligibility Worker I* in a California County Welfare Department.
(Open Pattern)		12-816.32	<p><u>Education:</u> Equivalent to completion of two years of college; and</p> <p><u>Experience:</u> 1) Six months of experience in a social service agency performing duties substantially similar to those in the Eligibility Worker I or II class* in that these duties primarily involved interviewing applicants and/or recipients and learning to determine or determining eligibility for one or more aids. (Additional qualifying experience may be substituted for the required two years of college on a year-for-year basis); or</p> <p>2) One year of clerical experience in a social service agency or experience involving responsibility for interviewing and/or decision making at the clerical level or higher in personnel offices or employment, unemployment or disability insurance, workmen's compensation, social security or similar agencies; hospitals, physicians' offices or insurance firms; or in similar types of employment. (Additional qualifying experience may be substituted for the required two years of college on a year-for-year basis.)</p>

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WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

13-071-06 MERIT SYSTEM SALARY PLAN STANDARDS (Continued)
California County Merit System Salary Plan - TABLE II
ADMINISTRATIVE FISCAL AND ALLIED

13-071-06

RATE	FISCAL	ADMINISTRATIVE SERVICES		PROGRAMMING AND SYSTEMS		ALLIED
1084-1318 (21.5)						
1058-1286 (31)						
1033-1255 (30.5)						
1008-1225 (30)						
983-1196 (29.5)						
760-1166 (29)		Adm. Service Off. II	Personnel Officer			
936-1139 (28.5)						Soc. Service Plan. Sup.
914-1111 (28)						
891-1084 (27.5)						
870-1058 (27)				Sup. Programmer		
849-1033 (26.5)						
829-1008 (26)						
810-983 (25.5)						
790-960 (25)						
771-936 (24.5)	Chief Fiscal Officer			Programmer II	Sys. & Proc. Analyst	Prog. Asst. - Wel.
753-914 (24)						
735-891 (23.5)						Financial Res. Sup.
717-870 (23)		Adm. Service Off. I	Adm. Assistant			
700-849 (22.5)	Accountant II			Programmer I		
683-829 (22)						
666-810 (21.5)						
650-790 (21)						
634-771 (20.5)						
619-753 (20)						
605-735 (19.5)	Accountant I			Programmer Trn.		
590-717 (19)						
576-700 (18.5)						
562-683 (18)						
548-666 (17.5)						
536-650 (17)						
523-634 (16.5)						Supp. Pay Adjuster
510-619 (16)						
498-605 (15.5)						
Range 12 - 15 Omitted						
408-498 (11.5)						
399-486 (11)			Student Adm. Asst.			

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CONTINUATION SHEET
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

13-071-06 MERIT SYSTEM SALARY PLAN STANDARDS (Continued)

13-071-06

California County Merit System Salary Plan - SPECIAL SERVICES - TABLE III

RATE	DAY CARE	COMMUNITY SERVICES	STAFF DEV.	FINAN. ADJ.	ELIG. DETER.
936-1139 (28.5)		Community Rel. Coordinator	Staff Dev. Sup. II		
914-1111 (28)					
891-1084 (27.5)					
870-1058 (27)					
849-1033 (26.5)	Day Care Gr. Dir.		Staff Dev. Sup. I		
829-1008 (26)		Ed. Resources Coord.			
810-983 (25.5)		Voc. Svc. Coord. III			

Range 24 - 25 Omitted

735-891 (23.5)	Day Care Gr. Sup.			Sup. Investigator	
717-870 (23)		Voc. Svc. Coord. II			
700-849 (22.5)					
683-829 (22)					
666-810 (21.5)					
650-790 (21)	Day Care Gr. Worker	Voc. Svc. Coord. I			
634-771 (20.5)				Investigator	
619-753 (20)			Sup. Vol. Svcs.		Eligibility Supv.
605-735 (19.5)					
590-717 (19)			Community Rel. Worker		
576-700 (18.5)					

Range 17 - 18 Omitted

523-634 (16.5)				Property Investigator	
510-619 (16)					
498-605 (15.5)					Eligibility Worker II
486-590 (15)					
474-576 (14.5)					
463-562 (14)					
450-548 (13.5)					Eligibility Worker I
440-536 (13)					
429-523 (12.5)					
419-510 (12)	Day Care Gr. Aide		Homemaker III		

Range 11 - 11.5 Omitted

389-474 (10.5)					
380-463 (10)	Day Care Gr. Hskpr.	NDC Parent	Wel. Svc. Aid Homemaker II		
371-450 (9.5)	Clerk II - General			Key Punch Operator	
362-440 (9)			Homemaker I (3 step. Range)		

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

13071-85 QUALIFICATIONS OF APPLICANT

13-071-85

The following general qualifications shall be deemed to be a part of personal characteristics of the minimum qualifications of each class specification and need not be specifically set forth therein. Each applicant shall:

1. Be a citizen of the United States except as provided in Labor Code Sections 1944 and 1947.

1/ Labor Code Sections 1940 thru 1943 contain provisions prohibiting the employment of aliens by any department of any county or city. The exceptions to these provisions are set forth in Sections 1944 and 1947 as follows:

Labor Code ^S 1944. Exceptions
This article shall not apply:

- (c) To any specialist or expert temporarily employed by any department of . . . any county, or city, and engaged in special investigation or teaching.
- (d) In an emergency when it is necessary to protect life, health, or property against fire, flood, or other calamity.
- (e) To the employment by a county of an intern or resident physician for services in the county hospital under an exchange arrangement with medical facilities in foreign countries.
- (f) To any professional person who has declared his intention to become a citizen.
- (g) To any professional librarian, other than a chief librarian.
- (h) To the employment by hospital districts or a county hospital . . . of professional persons actually licensed by the State of California.
- (i) To the employment of persons in positions pertaining to the care and guidance of children in a child care program or the supervision of a child care program supported in whole or in part by the state, of any person who has declared his intention to become a citizen, or of a native-born woman of the United States who has married a noncitizen.
- (j) To student assistants and interns in Department of Mental Hygiene training programs.
- (k) To student assistants and interns . . . in a county welfare department.

Labor Code ^S 1947. Exemptions
This article shall not apply to any noncitizen who is a resident of the State of California and who has indicated his intent to become a citizen of the United States.

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Effective 1/1/70.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

13-071-85 QUALIFICATIONS OF APPLICANT (Continued)

13-071-85

2. Be a legal resident of California for at least one year prior to the date of examination unless the residence qualifications are specifically waived by the Merit System Examining Agency.
3. Possess all entrance requirements specified in the minimum qualifications established for the class; provided, however, that
 - a. For any class which requires that education and/or experience must have been obtained within a prescribed time period, time spent by the applicant in the military service of the United States in time of war, including the period September 16, 1940, to December 7, 1941, shall be excluded, and
 - b. For any class having a specified educational requirement, the Merit System Examining Agency may admit to the examination any applicant who is registered as a student in a recognized educational institution in the last semester or quarter of his required educational training. Such applicant (if successful in the examination) shall not be appointed to a position in the class until he produces evidence of satisfactory completion of the required training.
4. Possess the general qualifications of integrity, honesty, sobriety, dependability, industry, thoroughness, accuracy, good judgment, initiative, resourcefulness, courtesy, ability to work cooperatively with others, willingness and ability to assume the responsibilities and to conform to the conditions of work characteristic of the employment, good health, and freedom from disabling defects.
5. Possess a valid California operator's license where the position requires the driving of an automobile.

The state department may prescribe alternative or additional qualifications for individual classes and such shall be made a part of the class specifications. (Labor Code 1944, 1947 and W&IC 10901)

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

13-073-20 REEMPLOYMENT LISTS

13-073-20

In addition to the eligible list for any class there shall be maintained for each class, county reemployment lists, which shall contain names of (1) employees who had permanent or probationary status and who have been laid off or demoted in lieu of layoff from positions in the class in accordance with the procedure outlined in Sec. 13-076-05, Reduction In Force, and (2) the employees whose positions have been abolished during the period of an approved leave of absence. (See Sec. 13-076-05, Reduction In Force, and Sec. 13-077-02, Granting Leaves of Absence.)

The names shall be placed on reemployment lists in accordance with the combined report of performance and seniority score.

reemployment

Names which have appeared on a list for three consecutive years shall be removed from such list unless the period is extended by the SDSW.

(W&IC 10901)

Effective 1/1/70

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

13-074-15 PROVISIONAL APPOINTMENTS

13-074-15

1. Conditions Under Which a Provisional Appointment May Be Made.

If, in the opinion of the appointing authority, there are urgent reasons for filling a position and the appropriate employment lists are exhausted, as provided in Section 13-073-03, the appointing authority may submit to the examining agency, on the proper personnel documents, the name and qualifications of the person to fill the position pending examination and establishment of an eligible list. If such person's qualifications have been certified by the examining agency as meeting minimum requirements as to training and experience for the position, and he is a citizen of the United States, such person may be provisionally appointed to fill the existing vacancy only until an appropriate eligible list is established and appointment made therefrom. No provisional appointment shall be made until the position has been classified and minimum qualifications established therefor, in accordance with these rules. No provisional appointment shall be continued to more than 60 days after an appropriate eligible list has been established for the class of position and in no event for more than six months from the date of appointment; except that if a provisional employee has filed a relevant examination appeal which is granted a hearing by the MSC, his appointment may continue during the pendency of such appeal in accordance with the provisions of the rules governing provisional appointments. Successive provisional appointments of the same person shall not be permitted and a position shall not be filled by repeated provisional appointments. Expiration of a provisional appointment shall be reported to SDSW on the proper personnel documents.

2. Provisional Service Credited on Probationary Period.

The period of provisional appointment may be credited as part of the probationary period as provided in Section 13-074-50, Nature, Purpose and Duration of Probationary Period. Employees covered by Section 13-074-10, Employees Appointed to State or Federally Supported Programs, Functions or Agencies, who fail to qualify in examinations, shall be regarded as provisional employees.

3. Extension of Provisional Appointments.

For the purpose of this section and as long as recruitment difficulties persist, provisional appointments may be extended at the end of the six months' period with the approval of the SDSW, and successive provisional appointments of the same individual to different positions and successive provisional appointments to the same position may be made in exceptional circumstances subject to the following conditions.

- a. That an examination has been publicly announced or will be announced by the examining agency prior to a date not exceeding six months after the beginning date of each provisional appointment, or that if after an examination has been announced the examining agency has found that a sufficient number of applicants has not filed to assure adequate competition.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

13-076-05 REDUCTION IN FORCE

13-076-05

The appointing authority may separate any employee, without prejudice, because of lack of funds or curtailment of work. However, no probationary or permanent employee with satisfactory performance, shall be separated while there are emergency, intermittent, temporary, provisional or probationary or permanent employees whose last recorded performance ratings are unsatisfactory, serving in the same class in the same county agency or subdivision. The order of separations due to reduction in force shall be based upon service ratings and seniority, under a formula established by the SDSW.

In the event of a required reduction in force, preliminary considerations include the number of positions to be abolished, the class or classes and the area or function in which the initial layoff is to occur.

In such cases, the appointing authority shall report the facts of the case to the SDSW. The appointing authority may also recommend:

- (a) The area of layoff which may be agencywide or restricted to a geographic area or program, division or function within the department; and
- (b) The class or classes to which affected employees may elect to transfer or demote in lieu of layoff.

All such recommendations are subject to the approval of the SDSW as part of the reduction in force formula established by the SDSW.

In addition to determining the area of layoff and class or classes to which affected employees may transfer or demote in lieu of layoff, the SDSW shall establish layoff lists based on length of service and efficiency; issue notice of layoff to affected employees; establish reemployment lists of employees in reverse order of the layoff lists; and process the documents necessary to accomplish and record the personnel actions of demotion, transfer, separation and reemployment.

.1 Order of Separation within a Class

Emergency, provisional, limited term and probationary and permanent appointees whose last recorded performance rating is unsatisfactory, shall be first terminated before any probationary or permanent appointee with satisfactory performance is laid off.

Staff serving under probationary and permanent appointment (no distinction is made between probationary and permanent appointees) shall be based on layoff lists for the respective class or classes affected, on the basis of combined score for efficiency and seniority, beginning with least senior, i.e., least number of layoff points. However, the person with the least number of points shall be placed at the bottom of the list and the person with the highest seniority at the top.

Effective 1/1/70

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

13-076-05 REDUCTION IN FORCE (Continued)

13-076-05

When two or more employees have the same total seniority score, the tie shall be broken and preference given in the following sequence: Veteran; employee with the highest overall report of performance rating; employee with the greatest total calendar time in the class in which layoff is being made and in related higher classes; employee with the greatest total calendar time in the California County Merit System's service; employee with the greatest total calendar time in the county social service departments service; employee whose name is drawn by lot by the SDSW.

Such lists shall be established on an agencywide, area or program, etc., basis as approved by the SDSW.

.11 Reduction in Force Formula

The procedure for arriving at the seniority score for reduction in force, establishment of layoff lists and reemployment lists shall be as follows:

.111 Credit for Length of Service

A partial month's employment shall be credited as a full month when an employee has been on the payroll for 16 calendar days or more. No credit shall be allowed for any lesser period of employment in a month. For intermittent or part-time employees, 160 hours shall be equivalent to one month's service.

Prior employment in an approved countywide civil service system shall not be counted toward service in a California County Merit System social service department.

Service in all other nonrelated classes shall be computed at one point for each month of full-time service.

Service in the present class and all other classes which on the computation date are approved by the SDSW as related classes shall be counted at two points for each month of full-time service.

Full credit shall be given employees for time spent in the armed services of the United States while on military leave from a social service department in the California County Merit System. Such credit shall be considered as time spent in the classification of employment which the employee held at the time the military leave was granted.

Full credit shall be given for time spent while on approved educational leave. Such credit shall be considered as time spent in the classification of employment which the employee held at the time the education leave was granted.

Effective 1/1/70

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

13-076-05 REDUCTION IN FORCE (Continued)

13-076-05

.112 Credit for Performance Ratings

The performance rating points shall be based on the last service rating on record.

Five points shall be added to the seniority score of an employee with a current rating of outstanding.

.12 Notice to Employee

In the event of layoff or transfer or demotion in lieu of layoff, the SDSW shall give written notice to all employees so affected 15 calendar days prior to the effective date of the action. The notice shall include the

.121 reason or reasons for demotion, transfer or separation;

.122 effective date of the action;

.123 seniority score of the employee;

.124 location of the seniority list so that the employee may compare his score with others;

.125 formula by which the seniority score is computed;

.126 appeal rights of the employee; and

.127 such other relevant information as the SDSW may think appropriate.

.2 Reemployment Lists

Openings occurring in the class or classes and area or program affected by layoff, shall first be filled by employees on layoff lists which, for purposes of reappointment shall be known as reemployment lists.

Such reemployment lists shall take precedence over all other lists and transactions for filling subsequent vacancies in the class and area affected. Names on such lists shall be removed after a period of three years unless the period is extended by the SDSW.

Employees on reemployment lists shall be certified in the inverse order of separation: The most senior first. Except as provided herein, the rule of one (1) shall apply in the use of such lists. This means that the most senior person on the list shall be contacted and offered the position before subsequent employees are contacted.

Effective 1/1/70

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

13-076-05 REDUCTION IN FORCE (Continued)

13-076-05

"The most senior first" and "the rule of one" approaches may be set aside by the SDSW when mutually agreed to by the employee concerned and the appointing authority. In such cases, the employee's priority right to a future opening shall continue in full force.

In the absence of a reemployment list or if a county, unit or program has exhausted its own reemployment list, a county, unit or program may, at its discretion, use another program, unit or county's reemployment list. In this case, the normal appointment rule for selection of eligibles shall apply and a new probationary period may be required by the new appointing authority or program or unit head. Such an appointment action shall not remove a name from the active reemployment list for the initial county, unit or program of separation unless the employee requests that this be done.

Effective 1/1/70

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FACE SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

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Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.1)

NOV 26 1969

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: November 25, 1969

By: 

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

NOV 26 1969

At 4:45 o'clock P. M.

FRANK M. JORDAN, Secretary of State

By: 
Assistant Secretary of State

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DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

40-163 PROCESSING APPLICATIONS, PATIENTS IN STATE HOSPITALS

40-163

ATD
OAS
MN

.1 General

OAS payments may be made to patients, 65 years of age or older, in state hospitals for the mentally ill or mentally retarded. ^{ATD} Payments may be made for persons, 18 years or older, who are patients in (1) a state hospital for the mentally retarded, or (2) a ward certified as a skilled nursing in a unit for the mentally retarded, facility, in a state hospital for the mentally ill.

Patients who do not meet need requirements for a cash grant are certified for medical assistance.

.2 Patient Status

An individual, aged 65 years or older and in a state hospital, is considered a patient in a medical facility and no individual determination of patient status is necessary. An individual, aged 18 through 64 years, is considered a patient in a medical facility if he is in a state hospital for the mentally retarded or in a ward certified as a skilled nursing facility, in a unit for the mentally retarded, in a state hospital for the mentally ill and there has been a medical determination that he is a patient.

Effective 2/1/70

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-163 PROCESSING APPLICATIONS, PATIENTS IN STATE HOSPITALS (Cont.) 40-163

.3 State Department of Social Welfare Responsibility

ATD
OAS
MN

State Department of Social Welfare staff located in state hospitals accept referrals of potentially eligible patients from the Department of Mental Hygiene and assist county welfare departments to establish the patient's initial and continuing eligibility, assure that the patient receives the amount of cash grant to which he is entitled or is assigned the correct share of cost. Staff has responsibility to:

- .31 Assist patients capable of acting in their own behalf to file applications and complete the Statement of Facts (ABDM 201).
- .32 File applications and complete the Statement of Facts for patients not capable of acting in their own behalf and who do not have a guardian, conservator or relative who manages the patient's assets.
Section
See 40-117.12.
- .33 Initiate the filing of applications and completion of Statement of Facts by a guardian, conservator or relative managing the patient's assets. See .5 below.
- .34 Have the required face-to-face interview with the patient.
- .35 Secure from the patient and/or state hospital information needed by the county department to reach a decision on the application.
- .36 Obtain the disability determination ^{for ATD/ATD-MN applicants} for the county department.
- .37 Secure for the county department information necessary to complete the annual determination.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-163 PROCESSING APPLICATIONS, PATIENTS IN STATE HOSPITALS (Cont.) 40-163

ATD
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.38 Keep the county department informed of changes in the patient's situation which affect his continuing eligibility, amount of grant or share of cost.

.39 Provide to the county department, upon request, information needed to support continuing need for money management.

.4 County Welfare Department Responsibility

The welfare department in the county from which the patient was admitted to the hospital receives the application, determines eligibility, grants aid or establishes the share of cost. The county department is responsible to:

.41 Secure any supplemental information necessary to complete the determination of eligibility or amount of grant or share of cost.

.42 Interview relatives, guardians or conservators living in the county, as necessary, to secure the application and Statement of Facts. Explain to relatives managing assets their responsibility for payment of share of cost.

.43 Authorize and make payment to the patient, to a guardian or conservator or to a substitute payee and certify eligible patients for medical assistance.

.44 Distribute Notices of Action as follows:

(a) One copy to the patient or the guardian, conservator, relative or substitute payee.

(b) Two copies to the State Department of Social Welfare hospital staff.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

40-163 PROCESSING APPLICATIONS, PATIENTS IN STATE HOSPITALS (Cont.) 40-163

ATD
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- .45 Initiate with the State Department of Social Welfare hospital staff a request for information needed for the annual determination; the anniversary date is to be given. Such requests apply only to those patients who do not have a guardian, conservator or relative managing assets who lives in the county of responsibility.
- , when there is a change,
- .46 Distribute Notices of Action in the same manner as in new applications.
- .5 Procedures Involving Guardians, Conservators or Relatives Managing Assets
- .51 In initiating the filing of new applications, the State Department of Social Welfare hospital staff request service of the county department in which the representative lives.
- (a) If the representative lives in the county of responsibility the county department notifies the SDSW hospital staff if an application was filed and the date of application, and processes the application.
- (b) If the representative lives in a county other than the county of responsibility the completed application and Statement of Facts is forwarded to the county of responsibility. The county of responsibility notifies the SDSW hospital staff if an application was filed and the date and completes the processing of the application.

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CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

40-163 PROCESSING APPLICATIONS, PATIENTS IN STATE HOSPITALS (Cont.) 40-163

.52 In initiating the annual determination:ATD
OAS
MNWhen the representative lives in the county of responsibility the responsible county department:(a) Contacts the representative and initiates the determination just as in any other case.(b) Notifies the SDSW hospital staff of the initiation of the determination and requests any information needed from the hospital; the SDSW staff sends available information to the county department.(c) Completes the determination.When the representative lives in a county other than the county of responsibility, the county department:(a) May request the county in which the representative lives to secure information necessary for the determination.(b) Notifies the SDSW hospital staff of the initiation of the determination and requests any information needed from the hospital; the SDSW staff sends available information to the county department.(c) Completes the determination.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulations are repealed effective 2/1/70:

40-165 Annual Redetermination of Eligibility for Recipients in State Hospitals

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I FILING ADMINISTRATIVE REGULATIONS WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

NOV 23 1969

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. 8808 (11380.1))

NOV 23 1969

Office of Administrative Procedure

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE
(Agency)

Dated: November 25, 1969

By: John C. 2

Director
(Title)

FILED

In the office of the Secretary of State
of the State of California

NOV 28 1969

At 4:09 o'clock P.M.

FRANK M. JORDAN Secretary of State

By: [Signature]
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

SECTION 36252 - RESPONSIBILITY OF AGENCY TO INFORM ADOPTING OR FOSTER PARENTS ABOUT LAW REGARDING CONCEALMENT OF A CHILD.

A. Taking Child Out of County or State

The agency shall tell adopting or foster parents that the law prohibits taking a relinquished child out of county or out of state without permission of the agency. They shall also be informed that the law:

1. Prohibits concealing a child at any time from the time of placement until the completion of adoption.
2. Prohibits the family from taking the child out of the county or state except with prior approval of the adoption agency.
3. Prohibits any person removing a child relinquished under Section 224m of the Civil Code from the county in which the child was placed; a relinquished child may not be removed for any period of time by any person who has not petitioned to adopt the child without consent of the agency.

Effective 2/1/70

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

SECTION 36252 RESPONSIBILITY OF AGENCY TO INFORM ADOPTING OR FOSTER PARENTS
ABOUT LAW REGARDING CONCEALMENT OF A CHILD. (Continued)

4. Requires that if a petition has been filed for the adoption of the child, petitioners must give advance written notice of intent to remove the child and secure permission of the court to do so; the agency has fifteen (15) days to file an objection with the court. This provision does not apply if the child is to be absent for not more than 30 days provided that a notice of recommendation of denial has not been personally served on the petitioners or the court has not issued an order prohibiting the removal.

5. Provides that a violation of this law (Section 226.10 Civil Code) is a violation of Section 280, Penal Code, subject to punishment by:

a. Imprisonment in the county jail for not more than one year if the child is concealed within the county; or removed from such county to another place in the state.

b. By imprisonment in a state prison for not less than one year and not more than five years, or in the county jail for not more than one year if the child is removed outside of the state.

B. In cooperative placements, approval for taking the child out of the county or state is to be given by the adoption agency providing services to the family after the plan has been reported to the agency holding the relinquishment.

C. The agency shall clearly explain to the adopting family the agency's regulations pertaining to trips outside the county. The agency may provide advance written approval to cover short trips.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

36281. CERTIFICATE OF ADOPTION

A. Responsibility for Preparing Certificate

The agency shall complete the Certificate of Adoption and file it with the county clerk.

B. Birth Certificate when a Parent Dies before Adoption Completed

If both adopting parents are living at the time of the initial placement, but one parent dies before the adoption is completed, the agency shall tell the adopting parent that the law:

1. Permits showing both names on the Adoption Certificate if the Order of the Court granting the adoption directs that the name of both parents be included.
2. Provides that the inclusion of the name of a deceased person on the adoption Birth Certificate does not:
 - a. Affect any matter of testate or intestate succession;
 - b. Constitute competent evidence on any issue of relationship between the adopted child and the deceased person in any procedure or action.
3. Permits retroactive application of this procedure under the same circumstances if the adopting parent initiates an action in the superior court of the county in which the petitioner resides and the court orders that the amended birth record be amended again to include the deceased parent's name. In this case a fee of \$5 is required for the preparation of the amended record if a prior Adoption Certificate has been issued.

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Effective 2/1/70

CONTINUATION SHEET
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

36285. ADOPTION AGENCY RESPONSIBILITY FOR SERVICES UNDER PILOT PROGRAM
(PUBLIC AND PRIVATE)

A. Notice of Intent to Participate

A licensed adoption agency wishing to participate in this program shall notify the Adoptions and Foster Care Bureau, SDSW, by letter of intent. The letter shall include: (1) an estimate of the number of children expected to be served by the project; (2) an estimate of the funds needed for aid to families showing the number of cases by the estimated amount of aid according to the length of time; (3) a copy or statement of the counties' boarding home rates for children.

The law provides that the financial assistance to a family may not be more than the amount which would be paid for foster care for the child nor for a period longer than three years.

Interim approval for operation may be given with the understanding that within two months the agency will submit to the Adoptions and Foster Care Bureau the agency's plan for implementation to include policies, instructions, and informational material developed for staff in the agency.

Although interim approval may have been given, the department may condition final approval upon submission of amendments to material if the intent of the law or the regulations has not been clearly stated.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

36285. ADOPTION AGENCY RESPONSIBILITY FOR SERVICES UNDER PILOT PROGRAM
(PUBLIC AND PRIVATE) (Continued)

B. Implementation of Program

Based on the individual agency's experience and needs, the plan
for implementation of the program shall include:

1. How the agency plans to help and assist families. This should
indicate:

- a. Some of the situations and kinds of help known to be needed
by local families.
- b. The plan for individual determination on a case basis of
the amount of assistance and the period of time assistance
will be needed.
- c. The services needed by local families in addition to financial
assistance, and the resources in the community available to
provide such help. If resources are not available, how will
help be provided?
- d. Recognition that some families requiring financial assistance
initially may still wish to pay a nominal fee and be able to
do so at a later date.
- e. If the agency believes there will be some unusual expenses
for families which might be paid from AAC funds, the plan
should identify these in order that the Department may indi-
cate whether they would or would not be considered appropriate
and could be an approved use of funds.

2. How the agency will select the children. This may be a summarized
description of the group currently identified as needing to utilize
this program to facilitate placement and the future number and
characteristics of children to be included in the project.

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FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

36285. ADOPTION AGENCY RESPONSIBILITY FOR SERVICES UNDER PILOT PROGRAM
(PUBLIC AND PRIVATE) (Continued)

3. How the agency plans to recruit families. This may be based on the agency's past experience, with families who have wanted to adopt, but not been accepted or approved because of temporary financial inability to assume the expense.
4. How the agency will select families for the program, and a summarized description of those currently considered as potential AAC families.
5. How the agency plans to publicize the program and evaluate the results. This should be specifically related to the individual county or local agency situation and may be a part of an ongoing publicity program. If additional and special publicity efforts are necessary, the agency should indicate the general plan. In considering the need for publicity, agencies should consider not only the children under their care but the needs of children statewide.
6. Other information the adoption agency considers pertinent and important.

C. Periodic Reports and Evaluations

Periodic reports and evaluation of the program shall be made to the Adoptions and Foster Care Bureau.

D. Public Information Campaign

The law requires that there be a public information campaign in order to inform the public that families from a variety of economic levels and backgrounds are needed and wanted. In planning the public information campaign, the local agency shall evaluate and determine

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(Pursuant to Government Code Section 11380.1)

36285. ADOPTION AGENCY RESPONSIBILITY FOR SERVICES UNDER PILOT PROGRAM
(PUBLIC AND PRIVATE) (Continued)
the extent of campaign necessary within the county to meet its
individual needs; however, there shall also be consideration given
to the statewide needs for certain children.

1. The public information campaign shall:

- a. Announce the availability of desirable children for adoption by families of all income levels.
- b. Avoid implying that all children of certain ethnic backgrounds or age or handicaps are "hard to place", "second best" or that all families have to be paid to adopt them.
- c. Avoid implying that all families of certain background have low incomes and require assistance.
- d. Clearly interpret that financial assistance may be available and the fee waived.

2. Copies of material released by the agency for public interpretation for this program shall be sent to the Adoptions and Foster Care Bureau.

E. Application of Regulations, Chapter 4, Title 22, Division 2, California Administrative Code

Services to persons participating in the pilot program known as Aid for Adoption of Children shall be in substantial compliance with the basic regulations under Subchapter 1 and 2 of Chapter 4, Adoptions, Title 22, Division 2, of the California Administrative Code.

NOTE: Authority cited for Article 7: Sections 10552, 10553, 10551 and 10601, Welfare and Institutions Code.

History: 1. New Article 7 (§§ 36285 through 36288) filed 12-31-68 as an emergency; designated effective 1-1-69 (Register 69, No. 1).
2. Certificate of Compliance—Section 11422.1, Gov. Code, filed 1-20-69 (Register 69, No. 5).

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**CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

**36285. ADOPTION AGENCY RESPONSIBILITY FOR SERVICES UNDER PILOT PROGRAM
(PUBLIC AND PRIVATE) (Continued)**

Note: Chapter 1322 enacted by the 1968 Legislature added Sections 16115 through 16123 of the Welfare and Institutions Code to (1) encourage and promote the adoption of children for whom adoptive families are not readily available; (2) require the SDSW to administer and establish a pilot program to be carried out by any licensed county adoption agency; (3) determine (a) the extent to which a public information campaign on adoptions would increase the adoptive families for these children, (b) the extent to which financial assistance can increase the number of adoptions, especially among lower income families, and (c) the extent of financial assistance, if any, which is needed; (4) require the SDSW to report progress to the Legislature by March 1 of each year and final report in 1971, in time for the Legislature to decide whether the pilot program should become a permanent part of the adoption program; (5) permit counties to give financial assistance up to the amount which would have been paid for foster care if placement for adoption had not occurred and permits waiving of fee for adoptive parents participating in the program; (6) provide that funds used for this purpose are to be transferred to a special account from the foster care funds; (7) require counties to pay county share of the cost in lieu of foster care payments from county funds; (8) provide that the program is operative January 1, 1969, placements under this chapter must be made by December 31, 1971, and assistance must be limited to a maximum of 3 years.

This law states that the intent of the Legislature is to (1) benefit "hard to place" children residing in foster homes at state expense by providing the stability and security of permanent homes, and (2) to achieve a reduction in state expense by reducing costly foster home care.

These regulations are intended to initiate the program and implement the legislation. It is recognized that revised or new regulations will need to be issued as amendments or additions. As agencies identify problems or need for policies in this new and complex pilot program, these should be sent immediately to the Adoptions and Foster Care Bureau.

Chapter 261 enacted by the 1969 Legislature amends Section 16117 and 16118 of the Welfare and Institutions Code. The amendment to the program is operative and extends the program to include children with mental, emotional or medical handicaps. The amendment establishes the two year pilot program to be carried out by any licensed adoption agency.

• **Note:** The provisions of these regulations become operative on January 1, 1969, and continue for a period not to exceed 3 years from the placement of the last children on December 31, 1971. If the program is made a permanent part of the adoption program by the 1971 Legislature these regulations will be obsolete in 1971 and reissued as a permanent integrated part of Title 22 of the California Administrative Code.

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(Pursuant to Government Code Section 11380.1)

36286. PERSONS SERVED UNDER THE AID FOR ADOPTION PROGRAM (PUBLIC AND PRIVATE)

Families and children shall be included in the program and be granted financial assistance only when both the child and the family meet the requirements of the law and regulations. The determination to include either the child or family in the program shall be based on an evaluation of the individual child or of the individual family.

A. Children

1. The children selected for this program shall be relinquished, or otherwise legally free, who are under foster care or would have to be placed or remain in long-term foster care because prospective adoptive homes are not readily available. These include:
 - a. Children over 7 years of age.
 - b. Children who have physical, mental, emotional or medical handicaps.
 - c. Children whose ethnic background, race, color, or language, makes placement in adoptive homes difficult because of the scarcity of homes requesting these children.
2. In selecting children for the program, the agency shall first utilize the SDSW expanded exchange program to determine if a placement with a family not requiring financial assistance is possible and will serve the best interests of the child.

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(Pursuant to Government Code Section 11380.1)

36286. PERSONS SERVED UNDER THE AID FOR ADOPTION PROGRAM (PUBLIC AND PRIVATE) (Continued)

3. Children who have some of the characteristics identified under

Item A.1. but for whom families not requiring financial assistance are available are not to be considered or reported as a part of the Aid for Adoption Program. A record of these children shall be maintained and reported as a Control Group, to evaluate any differences in the children and families.

4. The case record shall give the basis for the agency's decision that:a. The child is "hard to place", and

b. An adoptive family not requiring financial assistance is not available for adoptive placement of the child, including how and when the agency cleared with the mandatory exchange.

B. Families

The prospective adoptive families selected for this program shall be families who need short-term financial assistance not to exceed three years and not to exceed the amount which the county would pay for foster care for the child, and who meet the following criteria:

1. Lower-income families; or

2. Families who are economically disadvantaged because of ethnic background, race, color, or language, and who would not otherwise be able to adopt a child at this time; or

3. The family's need to have assistance at the time of placement and adoption shall be the basis for giving short-term financial assistance.

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(Pursuant to Government Code Section 11380.1)

36287. FINANCIAL ASSISTANCE (PUBLIC AND PRIVATE)A. Determination of Amount and Period of Assistance

This is a time-limited aid program, which may include continued assistance after the legal consummation of adoption. Assistance will be paid for current living expenses related to placing of child in the adoptive family.

1. The agency shall evaluate the family's needs and the aid needed to best help the child and the family. The amount and duration of aid will be based on the family situation, including consideration of income and expenses. The amount must be based on the needs of the family that are attributable to the placement of the child and are for the welfare of the child.
2. The amount may not exceed the amount which the county would pay for foster care and the duration may not exceed three years after placement.
3. After placement the amount shall be adjusted upward or downward, extended or discontinued in accordance with the changing needs of the family, but may not exceed the maximum time and amount permitted by law.
4. The case record shall clearly reflect the decisions made and the basis for them.
5. At the time of placement the decisions made by the agency and the family shall be set forth in the placement agreement, copy of which shall be given to the family. The agreement shall include the following:

The family agrees, that after placement and after adoption, they will immediately notify the agency in the event that circumstances change in order that the agency may give any

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(Pursuant to Government Code Section 11380.1)

36287. FINANCIAL ASSISTANCE (PUBLIC AND PRIVATE) (Continued)

help indicated including reevaluation and adjustment
of the assistance, if needed.

6. In order to evaluate the results of the program, the agency shall
contact the family two months before aid is discontinued.
7. It is the intent of the program generally to permit the adopting
family members to function autonomously as they are capable of
doing in the interest of promoting healthy family life. There
is no need for the agency to make periodic reviews since the
family is expected to act responsibly in accord with the agree-
ments with the agency.

B. General Guidelines

The following represents some situations which might indicate a
family should be considered for assistance under the AAC program:

1. Working applicants who need assistance to ease the transition
and adjustment of the child in the home by allowing the mother
to stop work during the post-placement period.
2. Foster parents who need transition assistance economically in
assuming full responsibility for the child.

If the child is already in the foster home, generally the agency
would use the amount being paid for BHC as the amount of aid but
would negotiate with the family the length of time aid required
and the possibility of gradual reduction of the amount.
3. Applicants who need assistance to cover special needs or services
such as legal services not available elsewhere, special education
or therapy, medical and psychiatric services not available under
Medi-Cal or Crippled Children's Services, or help with furnishing
or providing additional space.
4. Applicants whose financial resources are temporarily inadequate,
for example, a couple completing education.

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(Pursuant to Government Code Section 11380.1)

36283. RESPONSIBILITY FOR PAYMENT - AID FOR ADOPTION OF CHILDREN

A. PUBLIC AND PRIVATE AGENCIES

The county responsible for payment of financial assistance for the child under AFDC-BHI is responsible for payment of financial assistance in the Aid for the Adoption of Children program. Payments may be made out of the county and out of the state.

1. The payment shall be made directly to the adopting family in the family's name.
2. The child's former case, when there is a case, shall be closed and a new case opened. The new case shall be in the name of the family and shall be numbered in the Aid for Adoption of Children program, The child's name, when used, shall be the name given by the adopting family.
3. The category for claiming for all counties in the Aid to Adoption of Children program is 04.
4. The adoption staff is responsible for determining and authorizing the amount needed and the length of time the assistance is given. Payments shall be made on the basis of the adoption staff's decision. In a cooperative placement determination is made by mutual assessment and agreement between the agencies.

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(Pursuant to Government Code Section 11380.1)

36288. RESPONSIBILITY FOR PAYMENT - AID FOR ADOPTION OF CHILDREN (Continued)

B. PRIVATE ADOPTION AGENCIES AND THE STATE DEPARTMENT OF SOCIAL WELFARE
RELINQUISHMENT UNIT

1. Arrange for payment in the Aid for Adoption of Children program from the same county which would pay for AFDC-BHI for the child. The amount of the payment and the length of time the assistance is needed shall be determined by the private adoption agency or the SDSW Relinquishment Unit, but must not exceed the maximum amount and time permitted by law.
2. Upon certification of the private adoption agency or SDSW Relinquishment Unit, the county agency responsible for Aid for the Adoption of Children shall authorize the payment.

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(Pursuant to Government Code Section 11380.1)

36289. WAIVER OF FEE (PUBLIC)

A. FAMILIES WITH LOW INCOME

1. The fee will be waived for families requiring financial assistance and participating in the Aid for Adoption program. Exception may be made if circumstances change and the family wishes to pay some part of the fee.

B. FAMILIES ONLY RECEIVING REDUCTION OR WAIVER OF FEE

1. Generally the fee would be reduced or waived for families in low-income bracket who state they do not need or want financial assistance.
2. Consideration may be given to waiving the fee or reducing it for a family in a higher income bracket who has heavy financial responsibilities, but who does not need financial assistance. The fee will not be waived for any family solely on the basis that they are adopting a child from the so-called "hard to place" group.

For families falling into groups described in the (1) and (2) above the needs of the total family in relation to not only the income but expenses, present and future, will be considered in determining whether the fee should be waived or reduced. In these cases neither the family nor child shall be counted as part of the AAC Program, but shall be reported in the control group. (See Sect. 36286 A3.)

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

36314 - RESPONSIBILITY OF AGENCY TO INFORM PETITIONERS ABOUT
CONCEALMENT PROVISIONS

Concealment - Taking Child Out of County or State

The agency shall tell the adopting parents that the law:

1. Prohibits concealing a child at any time from the time of filing of petition until the completion of adoption.
2. Prohibits the family from taking the child out of the county or state except with prior approval of the adoption agency.
3. Requires petitioners give advance written notice of intent to remove the child and secure permission of the court if an adoption petition has been filed. In such cases the person must give advance written notice of intent to ask permission of the court and the agency is permitted (15) days from the date of notice to file an objection with the court.
4. Does not apply:
 - a. If the child is to be absent for not more than 30 days provided a Notice of Recommendation of Denial has not been personally served on the petitioners or the court has not issued an order prohibiting the removal.
 - b. In a stepparent adoption.
 - c. If the child has been returned to and remains with his natural parent(s).
 - d. If the child has been relinquished for the adoption under Section 224m of the Civil Code and written consent is obtained from the SDSW or the licensed agency.

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CONTINUATION SHEET
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

36314. RESPONSIBILITY OF AGENCY TO INFORM PETITIONERS ABOUT CONCEALMENT
PROVISIONS (Continued)

5. Provides that a violation of this law (Section 226.10 Civil Code)
is a violation of Section 280, Penal Code, subject to punishment by:
- a. Imprisonment in the county jail for not more than one year
if the child is concealed within the county; or removed from
such county to another place in the state.
 - b. By imprisonment in a state prison for not less than one year
and not more than five years, or in the county jail for not
more than one year if the child is removed outside of the
state.

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CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

36403. CERTIFICATE OF ADOPTION

A. Responsibility for Preparing Certificate

Whenever a recommendation of approval is made, the agency shall prepare the Certificate of Adoption and shall transmit it with the court report to the county clerk.

B. Birth Certificates when a Parent Dies before Adoption Completed

If both adopting parents were living at the time of the initial placement, but one parent dies before the adoption is completed, the agency shall tell the adopting parent that the law:

1. Permits showing both names on the Adoption Certificate if the Order of the Court granting the adoption directs that the name of both parents be included.
2. Provides that the inclusion of the name of a deceased person on the adoption Birth Certificate does not:
 - a. Affect any matter of testate or intestate succession;
 - b. Constitute competent evidence of any issue of relationship between the adopted child and the deceased person in any procedure or action.
3. Permits retroactive application of this procedure under the same circumstances if the adopting parent initiates an action in the Superior Court of the county in which the petitioner resides and the court orders that the amended birth record be amended again to include the deceased parent's name. In this case a fee of \$5 is required for the preparation of the amended record if a prior adoption certificate has been issued.

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FACE SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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NOV 23 1969

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.1)

NOV 28 1969

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE
(Agency)

Dated: November 26, 1969

By: *John C. 22*

Director
(Title)

FILED

In the office of the Secretary of State
of the State of California

NOV 28 1969

At 4:11 o'clock P.M. *v.f.*

FRANK M. JORDAN, Secretary of State

By: *[Signature]*
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.
These regulations do not contain any building standards.

CHAPTER 4. ADOPTIONS

SUBCHAPTER 1. ADOPTION AGENCIES LICENSING APPLICATION

Article 1. Licensing

36001. AGENCY ELIGIBILITY FOR LICENSE. To be eligible for license, an adoption agency must conform to all applicable rules and regulations of the SDSW.

An agency will be considered for license only if there is no adoption placement service available in the community, or if the services provided by other adoption agencies are not sufficient to serve the parents applying for it or the children who are in need of it.

The agency must be able to provide, or there must be resources available in the community to provide, for financial assistance including medical and hospital expenses, for mothers who need it; for support of children accepted for study; for medical and psychiatric services for children as needed; and an adequate number of foster homes for children under study or awaiting adoption placement.

The agency must be coordinated with other community welfare services.

A. County Adoption Agencies

The agency must be designated by the county board of supervisors as the single public agency in the county through which adoption services will be offered.

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(Pursuant to Government Code Section 11380.1)

36001. AGENCY ELIGIBILITY FOR LICENSE (Continued)

When a county is planning to make application to provide adoption services,
the county will forward a letter of intent or resolution authorizing the
county to apply signed by the Chairman of the Board of Supervisors.

For purposes of inclusion in the state budget the letter of intent or resolution
shall be filed with the SDSW at least 18 months prior to the date that the agency
plans to begin operations.

B. Private Adoption Agencies

The agency must be organized and operated on a nonprofit philanthropic basis.

NOTE: Authority cited for Chapter 4: Sections 10552, 10553, 10554 and 10604, Welfare and Institutions Code.

History: 1. Original codification of existing regulations filed 10-18-67; effective thirtieth day thereafter (Register 67, No. 42).

36005. APPLICATION (NEW AND RENEWAL)

An application shall be in the legal name of the agency, stating the approved
geographic area to be served and the adoption services for which the license
is requested.

A. Public Agencies

The application must be signed by the Chairman of the Board of Supervisors

A copy of the board's resolution authorizing the chairman to sign the
application and to enter into agreements with SDSW shall be attached.

In authorizing the application, the board must show its intent to operate
the adoption program in full conformity with the laws (W&I Code and Civil
Code) and the SDSW regulations and policy.

The county may apply to serve children, parents and applicants in an unlicensed
county with prior approval from SDSW and a written agreement between the
counties. A copy of agreement shall be approved and filed with SDSW.

(Exception: The occasional adoption service provided in another county.)

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(Pursuant to Government Code Section 11380.1)

36005. APPLICATION (NEW AND RENEWAL)

B. Private Agencies

Application must be signed by the presiding officer of the board of directors and the executive officer of the agency, if selected, or a second officer of the board of directors if the executive officer has not yet been appointed. A copy of the board authorization to its representative to apply for such a license must accompany the application.

C. Public and Private Agencies

The application for renewal of the adoption license shall be filed with the SDSW at least 10 days prior to the expiration date of the current license. When applicable, written agreements between counties and agencies shall be updated at time of renewal.

D. Application

A new application must be accompanied by full information on the following.

A renewal application must update and show changes.

1. A written plan of operation in duplicate, covering the following:

- (a) Statement of program goals and description of services.
- (b) Administrative organization--narrative and chart of total agency.
- (c) Personnel in the adoption program, state the number, classification, qualifications and duties.

Volunteers and Aides, stating the number, qualifications and duties.

(d) Physical facilities and office arrangement--diagrams.

(e) Forms and clerical system--samples.

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36005. APPLICATION (NEW AND RENEWAL)

2. Statement of facts on which need for service was determined and plans for coordination with other community welfare services.
3. Geographic area to be served, plan of operations, agreements between the counties and services to be provided.
4. The private agency shall include: (a) a copy of its constitution and by-laws and, if it is incorporated, a copy of the Articles of Incorporation (b) list of membership of governing board and any advisory committee showing length of term and interest or qualifications on which selection was based and indicating which persons serve as officers and in which position; (c) the *assistance* provided to the natural *in obtaining maternity care* ~~mothers~~; and (d) copy of the proposed budget and plan for financing the agency.
5. The public agency shall include:
 - (a) the maternity care plan (see Section 36017); (b) the agency's provisions for services and assistance to mothers who are not eligible for public services and funds; (c) the specific plan for coordination and utilization of public social services (services to strengthen family life, income maintenance, Medi-Cal, licensing, foster care, etc.). The agency's responsibility for providing these services are in the SDSW Manual of Policies and Procedures. (d) A program budget. The agency's plan for services (to natural parents, children and adopting families) established in the statement of goals and services (D, I, a) is the basis for estimating staff needed. Staff positions are based on the established yardstick expressed in the man-months required to perform the services.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

36005. APPLICATION (NEW AND RENEWAL)

Supportive and supervisory positions are based on ratios developed by SDSW. Positions outside the yardstick must first be requested, justified and authorized by SDSW.

- (e) The number of full fees, the number of reductions, and the number of waivers.
- (f) The estimate of funds needed for salaries and operating costs.

Effective 2/1/70

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

36041. ADMINISTRATION - PUBLIC AND PRIVATE AGENCIES

A. Public and Private Adoption Agencies shall

1. Assure that each adoption worker has an effective working knowledge of the California Administrative Code, Title 22, Chapter 4, and other regulatory and guide material needed in performing their function. Copies shall be made available to all staff.
2. Be responsible for the proper use of adoption staff through the development of a staffing plan based on all classifications used and showing the functions of each classification. The plan shall show the way aides and volunteers are to be used and to whom they are responsible.

In public agencies the use of aides and volunteers shall be a part of the department's overall program. *SDSW Regulations*
(10-203.74, 10-203.75, 10-203.8)

B. Public Agencies - Supportive Services of the Agency

Public agencies shall coordinate the following programs with the adoption program to provide adequate and necessary services to natural parents, children and adoptive applicants, and such services shall be claimed against the appropriate program.

1. Income Maintenance and General Relief
2. Recruitment, study and licensing of foster homes
3. Supervision of children in foster care when an adoptive home is not readily available, or when the child is not now ready for adoption or when a child cannot be placed for adoption. (See Section 36041.C-3)

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(Pursuant to Government Code Section 11380.1)

36041. ADMINISTRATION - PUBLIC AND PRIVATE AGENCIES

4. Medi-Cal eligibility and service

- a. The name aka or alias of the child used for purposes of confidentiality in AFDC and/or adoption records shall also be used for Medi-Cal purposes while the child is in foster care.

5. Supervision of children in free foster home care, long-term foster home agreements or children who have legal guardians.

6. Post-adoption services, other than the services adoption is responsible for in providing further specific information needed by the adoptive family.

7. Staff development and medical consultation for staff

A county in which separation of adoption functions from other Public Social Services (AFDC and CWS Programs) was legally authorized as of January 1, 1968, may request that Item 7, Staff Development, and Medical consultation for staff, be considered for inclusion in the adoption budget. Request for inclusion of these items must be in writing and shall include the agency's plan for providing such training and medical consultation and the estimated costs. These items shall be subject to the regulations and standards which apply to county welfare departments. The county shall participate in the cost of these services on the same percentage basis as when these functions are provided through the county welfare department.

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(Pursuant to Government Code Section 11380.1)

36041. ADMINISTRATION - PUBLIC AND PRIVATE AGENCIES

C. Public Agency - Adoption Service

Public agencies shall assure that adoption time reports and claims accurately reflect staff and administration used for providing adoption services.

The adoption services shall be focused on finding homes for children for whom adoption appears to be the best plan, who are now ready for adoption, and for whom the agency is free to select adoptive homes. In accomplishing this, services are given to the natural parents and children and to adoptive applicants.

The adoption unit remains responsible for keeping an active file for these children and for evaluations of the progress reports received from placement staff. Evaluations include determining whether a child is ready for adoption, and whether a home is now available.

The adoption unit remains responsible for recruiting homes for these children and for considering these children in connection with applications received, homes approved or homes becoming available through ARRC.

The adoption services to be provided and claimed are:

1. Services to natural parents when relinquishment of the child is being considered.
2. The acceptance of relinquishments.

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36041. ADMINISTRATION - PUBLIC AND PRIVATE AGENCIES

3. Services for children in preadoptive care for a reasonable period of time. A reasonable period of time ceases when:
- a. The child is ready for adoption but a suitable adoptive home is not available locally or through ARRC, the statewide adoption exchange. (Refer to Section 36291)
 - b. The child needs foster care for an indefinite or undeterminable period of time because of legal complications or delays, age, medical or psychological problems that preclude the child being ready for adoption.
 - c. Adoption cannot be the plan for the child because of severe medical, physical, or psychological handicaps which have been diagnosed by an appropriate specialist.
4. The recruitment, selection and study of adoptive families.
5. Selection, placement and supervision of children in adoptive homes.
6. Preparing and completing necessary documents, report and records for completion of the adoption.
7. Interviews with adoptive family after adoption is final when specific information is needed regarding the child or limited services are necessary. Continued services shall be provided by referral to appropriate services in the county or community.
8. Interviews with the natural parent following relinquishment to provide limited services. Continued services shall be provided by referral to appropriate services in the county or community.

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(Pursuant to Government Code Section 11380.1)

36061. FEES FOR ADOPTION SERVICES--PUBLIC AND PRIVATE AGENCIES

Adoptive families are expected to share the cost of services from the adoption agency to the extent of their ability. The fee shall be explained in terms of the concern of the agency and family and mutual interest in: (a) promoting the health and welfare of children, natural parents and adoptive families; (b) establishing that children are legally free; and (c) maintaining confidentiality for all parties.

A. Fees

1. The fee and the family's ability to pay shall be thoroughly discussed with the family. The family shall be informed that the fee is subject to review at any time during the study period and prior to completion of adoption. The director of the agency is responsible for assuring that staff recognize the concept of and the appropriateness of the family sharing the decisions and costs. Final decisions regarding collection of full fee, reduction, deferment or waiver of the fee shall require approval of agency's administration.
2. A family able to pay shall not be granted a waiver or reduction of the fee, nor shall it be reduced or waived solely on the basis of the placement being a subsequent placement in a home which has previously paid a fee.

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(Pursuant to Government Code Section 11380.1)

36061. FEES FOR ADOPTION SERVICES - PUBLIC AND PRIVATE AGENCIES

3. In deciding whether the fee is to be reduced or waived, the items considered are to include: (a) the gross and net income and the resources and expenses of the family; (b) the individual differences in communities in which the families live or costs which may be greater for some families than others; (c) whether economic hardship results to the family, detrimental to the welfare of the child; whether a temporary problem or one expected to be continuous; (d) are siblings or more than one child being placed in the same home at the same time?
4. The case record shall include:
- (a) The fee to be paid by the adoptive family or waiver of fee recorded as part of the narrative with marginal headings for identification.
 - (b) Information supporting the decision and agreement between the agency and the family, including the amounts and time of payments.
5. The agency's responsibility to complete the adoption and file a favorable court report is not changed by the family's failure to pay the fee or complete the payment plan. If the agency is not able to secure payment, the family is still responsible for paying the fee and the agency is responsible for either collecting or making appropriate adjustments of the fee.

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(Pursuant to Government Code Section 11380.1)

36061. FEES FOR ADOPTION SERVICES - PUBLIC AND PRIVATE AGENCIES

B. Collection of Fees

When fees are not received in accordance with plans stated in the placement agreement, *an agency representative* shall discuss the matter with the family.

When for good reasons changes in the agreement are indicated, such changes shall be made with the concurrence of appropriate social service staff. The case record shall reflect the basis on which the decision is made.

C. Public Agencies - Fees

A fee of \$500 shall be charged (Section 225p of the Civil Code). The fee can only be waived or reduced if the agency in good faith and on tenable evidence decides that payment of the fee by the petitioners would be to the detriment of the child. Families who have returned the child to the agency or for whom a favorable report cannot be filed shall have the fee returned.

D. Private Agencies - Fees

The maximum fee and fee plan shall be approved in advance by the SDSW.

E. Cooperative Placements

The fee shall be paid by the family to the agency which provides the service to the family.

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(Pursuant to Government Code Section 11380.1)

§6103. RECORDS, REPORTS AND STATISTICS. Immediate notice shall be given to the State Department of Social Welfare in all cases where the agency is served with a notice of appeal or a petition for return of any kind in an appellate court, or where the agency learns that a notice of appeal has been filed in any guardianship or custody action involving a child who is also the subject of an adoption. All developments on any such case are to be reported promptly.

Current administrative records shall be maintained by the agency in such a form as to provide an index to all cases, including location of children under care, and including all foster homes in use.

Monthly statistical reports shall be submitted as required by the SDSW.

Public agencies shall collect fees and make a report of all collections each month. When the fees collected are deposited in a trust fund or other funds which accrue interest, the interest shall also be reported and shall be considered as a part of the administrative abatement to the adoption program.

Copies of current policies as adopted by the board of the agency shall be submitted to the SDSW.

Such other records shall be maintained and reports submitted as may be required by the SDSW.

Effective 2/1/70

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(Pursuant to Government Code Section 11380.1)

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NOV 28 1969

Office of Administrative Procedure

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: November 26, 1969

By: *John C. [Signature]*

Director

(Title)

FILED

in the office of the Secretary of State
of the State of California

NOV 28 1969

At 4:12 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: *[Signature]*
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.
These regulations do not contain any building regulations.

41-200 RESIDENCE

41-200

AB
ATD
OAS
AFDC
MN

Residence in the state, but not in the county, is a requirement for receipt
of aid. However, it is necessary to determine the county in which the
applicant lives in order to establish county responsibility for payment of aid
(See Section 40-125)

41-201 STATE RESIDENCE FOR ELIGIBILITY

41-201

No durational period of residence in the state or county is required.

Effective 1/1/70

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(Pursuant to Government Code Section 11380.1)

41-203 RESIDENCE - GENERAL

41-203

AB
ATD
OAS
AFDC

.1 General Definition of "Resident," "Reside," "Residence"

The words "residence," "reside," "resident" as used in the W&IC carry the implication of a place; thus a person is usually said "to have residence," "reside," or "be a resident" at the place where he is living if he has no intention of presently leaving. Residence, once established, continues until the recipient or the person who governs his residence leaves the state and establishes residence elsewhere.

Residence requirements for purposes other than aid may differ (e.g., for voting, for certain court actions, etc.). A person may have residence in California for purposes of aid, as well as residence in another state for other purposes.

.2 Residence Established by Physical Presence

A person (including a child) establishes residence in the state by physical presence for purposes not temporary in nature.

.3 Program Requirements

The husband or wife may each have a separate residence, a fact which is established by the actions and intent of each. An applicant for or recipient of aid does not lose residence for aid because of marriage, but moving out of state with the spouse also implies intent to establish residence elsewhere.

Effective 1/1/70

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(Pursuant to Government Code Section 11380.1)

41-205 RIGHTS AND RESPONSIBILITIES OF APPLICANTS OR RECIPIENTS

41-205

AB
ATD
OAS
AFDC
MN

.1 Rights of Residence Location

Applicants for or recipients of aid have the same freedom of movement and choice of a place to live accorded other citizens of California.

.2 Informing County of Whereabouts and Continuing Need

An applicant or recipient, including the parent or person responsible for the child receiving aid in AFDC, shall immediately inform the county to which he has applied, or the county paying aid, if he goes to another county, state, or country, for either a temporary or an indefinite stay. (See Sec. 40-181.4) Following such notification from a person who is absent from the state or country, or upon discovering that such person is in another state, or country, the county shall require a written monthly statement from such person explaining in detail the circumstances and reasons for remaining out of state, his intent to retain residence in California, and his continuing need for public assistance. If the person who is absent from the state or country fails promptly to submit such monthly statements, it shall be presumed that the person has changed his place of residence or that need no longer exists and aid shall be immediately discontinued. The county shall explain this reporting responsibility to each applicant or recipient so that there will be no inappropriate discontinuance of aid.

41-207 EVIDENCE OF RESIDENCE INTENTION

41-207

.1 Statement on Residence

The written statement of the applicant or recipient is acceptable to establish his intention and action on establishing residence unless the statement is/inconsistent with other statements on the Form 201 or with the conduct of the person or with other information known to the county.

Effective 1/1/70

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(Pursuant to Government Code Section 11380.1)

41-207 EVIDENCE OF RESIDENCE INTENTION

41-207

.2 Absence from State

FB
ATD
OAS
AFDC
MN

.21 County Determination - Temporary or Permanent

Physical absence from the state including absence from the country, indicates a possible change of residence. The county must determine whether the absence is due to a change of residence or is for a temporary purpose and whether eligibility otherwise continues.

.22 Absence from the State for More Than a Year

If the recipient is absent from the state for over a year, and is prevented from returning because of illness or other good cause, such as inability to travel alone or physical inability to care for himself, his statement of intent to retain California residency must be supported by other evidence.

.23 Temporary Absence from State

The place of residence is not changed by a person's absence from the state for a temporary purpose.

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(Pursuant to Government Code Section 11380.1)

41-215 PERSONS INCAPABLE OF CHANGING RESIDENCE

41-215

AB
ATD
OAS
AFDC
MN

.1 Deprived of Freedom of Movement

The place of residence for persons who are deprived by court action of freedom of movement remains the same as at the time of the court action.

.2 Guardian or Conservator

The place of residence for one for whom there is a court appointed guardian or conservator of the person may be changed by decision of the guardian or conservator accompanied by removal of the ward or conservatee to another place.

41-216 PERSONS ON PAROLE

Persons on parole from correctional institutions may by intent establish residence.

41-217 PERSONS LIVING ON LAND LEASED OR OWNED BY THE UNITED STATES

41-217

Persons living within the boundaries of California on land leased by United State's agencies from the state, its political subdivisions, or individuals, or on land owned by the United States, may by intent establish residence in the state.

Effective 1/1/70

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(Pursuant to Government Code Section 11380.1)

Chapter 41-220 INTERSTATE COOPERATION ON RECIPIENT MOVEMENT

41-221 Recipients from Other States

41-221

HB

ATD

ORS

AFDC

MA

Recipients of categorical aid from other states who move to California with the intent to make their homes here shall be granted aid promptly, if otherwise eligible. County welfare departments shall work out cooperative arrangements with the other state to preclude any break in the receipt of assistance and to avoid the duplication of aid payments from two states.

41-222 California Recipients Moving to Other States

41-222

Recipients of categorical aid from California who move to another state and intend to make their homes there shall have aid discontinued from California immediately upon having aid granted by the other state.

Effective 1/1/70

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11180.1)

41-223 Notification to Apply in Another State

41-223

AB
ATD
OAS
AFDC
MN
==

The county welfare department shall give written notification to all recipients who are living out of the state to immediately apply for aid in the other state unless intent to return to California is clearly established and if the intent is to return to California, that application need not be made in the other state but California welfare regulations continue to apply to them. The notice shall indicate that aid shall be immediately discontinued unless the recipient responds within thirty days, indicating either that application has been made in the other state or that California residence is being retained. (See Section 41-207).

41-224 Applications by Recipients in Other States

41-224

When notification is received by the county from the recipient that application for aid is being made in the other state, direct communication with the appropriate state or local welfare department in the other state shall be initiated to coordinate the discontinuance of aid from California and the granting of aid by the other state. However, pursuant to W&IC Section 11103, aid shall not be continued by California beyond the end of the month following that in which the recipient applies for aid in the other state. If the person is not eligible for aid in the other state, aid shall be discontinued immediately upon notification of this by the person or the other state.

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Effective 1/1/70

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulations are repealed effective 1/1/70:

- 41-209 Evidence of Physical Presence
- 41-213 Restoration Following Absence from State
- 41-219 County Residence and Responsibility

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-317 BEGINNING DATE OF AID (Continued)

44-317

AB
ATD
OAS
AFDC.10 Effective Date of Medical Assistance Certification

The effective date of the certification for Group I Medical Assistance for the applicant who has been found eligible for a cash grant is whichever of the following is later:
(a) the first of the month of application, or (b) the first of the month in which there is eligibility (linkage.)

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NOV 28 1969

Office of Administrative Procedure

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:State Department of Social Welfare
(Agency)

Dated: November 25, 1969

By: [Signature]Director
(Title)

FILED

In the office of the Secretary of State
of the State of California

NOV 28 1969

At 4:15 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: [Signature]
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (continued) 44-111

.2 Exemption of Earned Income - General

ATD
OAS

- .21 The first \$20, plus one-half of the next \$60 a month, of gross earned income is exempt from consideration in determining the amount of the OAS or ATD payment.

See Section 44-101.5 for definition of "earned income". If a portion of earnings is garnisheed, attached or deducted by court order, see Section 44-113.2. See Section 44-113.21 for the procedure to determine exempt and nonexempt net earned income.

AB

- .22 In addition to the exemption specified in Section 44-111.21 above, the first \$85 a month, plus one-half of any gross earned income in excess of \$85 a month, is exempt from consideration in determining the amount of the AB payment.

See Section 44-101.5 for definition of "earned income". If a portion of earnings is garnisheed, attached or deducted by court order, see Section 44-113.2. See Section 44-113.21 for the procedure to determine exempt and non-exempt net earned income.

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(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME (Continued) 44-111

- AFDC .23 The first \$30 of the combined gross earned income plus one-third of the remainder of such income of adults and children 14 and over who do not qualify for the student exemption (Section 44-111.24) is exempt.
See Section 44-101.5 for definition of "earned income". If a portion of earnings is garnisheed, attached or deducted by court order, see Section 44-113.2. See Section 44-113.23 for the procedure to determine nonexempt net earned income.
- .231 The family exemption of earned income is computed by combining the gross earnings of persons subject to the exemption, subtracting \$30 and computing 1/3 of the remainder.
- .232 The family exemption shall be applied to the income of the unmarried father or the man assuming the role of spouse living in the home but not included in the family budget unit, since their earnings are considered in determining the family's needs.
- a. If the unmarried father or man assuming the role of spouse is the only employed person in the family, he is allowed the full exemption in determining income to the family budget unit.
 - b. If a member of the family budget unit is also employed, each is allowed his proportionate share of the \$30 exemption plus one-third of the remainder of his earnings.
- .233 The earnings of an individual member of the family shall not be subject to the family exemption for a month if within the period of 30 days preceding such month he:
- a. Terminates his employment without good cause, or
 - b. Refuses to accept a bona fide offer of employment without good cause.

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(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AB
APSB
ATD
OAS
AFDC
MN

.2 Earnings

Nonexempt net income from earnings is that which remains after (a) deducting the earned income exemption from gross earnings and (b) then subtracting from the remainder all necessary expenses incurred in the securing and retention of employment.

That portion of earnings which the employer is required by legal action to deduct from an employee's earnings, such as under garnishment, wage attachment and family support proceedings, is not an expense of employment and shall not be disregarded prior to application of any earned income exemption. If the amount deducted for this reason exceeds the amount of the earned income exemption, the unmet balance is disregarded as income which is not available to the recipient.

The appropriate method of determining nonexempt net earned income shall be selected from those set forth below.

.21 Earnings of Recipient - Adult Aids

(This applies to gross earnings in excess of \$20 a month in OAS and ATD, \$85 a month in AB and \$1500 a year in APSB.)

.211 Received Monthly or on Basis other than Recurring Lump Sum

AB
ATD
OAS

a. As an Employee (Wages, Salary or Commissions)

- (1) Determine gross income from earnings; i.e., total income irrespective of expenses, voluntary or involuntary deductions.
- (2) Deduct from gross income the exempt income; i.e., in OAS and ATD the first \$20 of gross income plus one-half of the next \$60 and in AB the first \$85 of gross income plus one-half of any amount in excess of \$85. (For AB compute on the basis of first \$92.50 rather than \$85.00, if the recipient's income is solely from such earnings - See Section 44-111.11.)

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44-113 NET INCOME (Continued)

44-113

AB
ATD
OAS

- (3) Deduct all personal and nonpersonal work expenses from amount determined in Item 2; i.e., cost of tools, materials, special uniforms or other clothing necessary for the job, business expenses or transportation to call on customers, income withholding taxes, social security taxes, cost of meals purchased away from home, transportation to and from the job, laundry and cleaning service necessary for the retention of employment, union dues etc.

The maximum deduction for work-related expenses shall not exceed \$100 per month, exclusive of ^{CHILD CARE AND} the cost of special equipment, appliances or prosthetic devices which are related to a disability of the employee and without which he would be unable to work.

- (4) Any remainder is considered nonexempt income.

b. From Self-Employment (Business Enterprise, Farming, etc.) or in Combination with Earnings as an Employee

- (1) Determine total gross income from self-employment and any gross income as an employee
- (2) Deduct nonpersonal business expenses from gross income: i.e., expenses incurred in production of income (See Section 44-113.1.)
- (3) Deduct the exempt income; i.e., in OAS and ATD the first \$20 of the amount determined in Item (2) plus one-half of the next \$60; in AB the first \$85 of the amount determined in Item (2) plus one-half of any amount in excess of \$85 (For AB compute on the basis of first \$92.50 rather than \$85 00. if the recipient's income is solely from earnings. See Section 44-111.11.)

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44-113 NET INCOME (Continued)

44-113

(4) Deduct personal work expenses ^{(NOT TO EXCEED} the \$100 limitation
AS SPECIFIED ^{DEDUCT} in Section 44-113.211a(3) above); i.e., income tax
payments, social security taxes, lunches purchased away from
home, transportation to and from the job, etc.

(5) Any remainder is considered nonexempt income.

.212 Received in Recurring Lump Sum Payments (as an employee or from Self-Employment)

- a. Determine the average gross income based on the number of months over which the income was earned.
- b. Determine the average nonpersonal work expenses allocable to each month over which the income was earned.
- c. Compute the net nonexempt income for each month as provided in Section .211a or b above, whichever is appropriate.
- d. Total the nonexempt income for all the months involved and this is the amount of the lump sum earned income which is nonexempt and for which a grant adjustment must be made pursuant to Section 44-135

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44-113 NET INCOME (Continued)

44-113

- APSB | .213 Received as an Employee or from Self-Employment on Monthly Basis or as Recurring Lump Sum Payment
- a. Determine gross income from earnings or business.
 - b. Deduct all personal and nonpersonal business or work expenses from amount determined in Item a; i.e. cost of tools, materials special uniforms or other clothing necessary for the job business expenses or transportation to call on customers income withholding taxes, social security taxes cost of meals purchased away from home transportation to and from the job, laundry and cleaning service necessary for the retention of employment union dues expenses incurred in production of income, etc.
 - c. Deduct from net income the exempt income. The exempt income in APSB is the first \$1.500 per year plus one-half of any amount in excess of \$1.500.
 - d. Any remainder is considered nonexempt income.

AB | .22 Earnings of Ineligible Spouse

APSB
ATD
OAS

Net income received by an ineligible spouse from his own earnings is computed as follows:

- a. Determine gross income from such earnings.
- b. Deduct from such gross income a flat 25 percent for income taxes, disability insurance, social security taxes, expenses in securing and retaining employment, transportation, meals, etc.

or

Deduct the actual expenses, in lieu of the flat 25 percent, if the spouse presents evidence that necessary deductions and expenses exceed the 25 percent.

- c. Any remainder is considered net income of the spouse.

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44-113 NET INCOME (Continued)

44-113

AFDC.23 Earnings of Recipients of AFDC

In order that the use of family income for necessary expenses to retain employment will not reduce the money available to meet ^{MINIMUM} and special needs, such expenses shall be deducted from ^{NONEXEMPT} earnings as follows. (See Section 44-111.23 for exemption to be applied against gross earned income.)

The maximum deduction for work-related expenses shall not exceed \$100 per month, exclusive of child care and the cost of special equipment, appliances or prosthetic devices which are related to a disability of the employee and without which he would be unable to work.

.231 Expenses of earnings to be deducted

- a. Involuntary deductions made by the employer over which the employee has no control.
- b. Expenses for additional food, clothing and personal incidentals, allowed as a standard allowance of \$12 (NOT PRORATABLE).
- c. The actual cost of other ^{PERSONAL} expenses which are mandatory to retain employment. Examples are:
 - (1) Transportation to and from the job and on the job if not reimbursed by the employer, subject to conditions and limitations in Section 44-114.
 - (2) Tools and licenses.
 - (3) Dues to unions or similar assessments which are a condition of employment.
 - (4) Necessary job-related educational or training expenses.

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44-113 NET INCOME (Continued)

44-113

- AFDC (5) Child care, when the caretaker is employed (not subject to the \$100 limitation on work-related expenses).
- (6) Special safety devices not furnished by the employer.
- (7) Telephone service required in connection with employment.

.232 Excluded as work-related expenses

Expenses of earnings do not include items often deducted at the request of the employee but not mandatory to retain employment.

Examples are:

- a. Credit union shares, savings bonds, voluntary retirement, or elective profit sharing programs.
- b. Elective health insurance
- c. Charitable contributions
- d. Dues to organizations where membership is not a prerequisite to employment.
- e. Deductions for payments on consumer and other loans .

.233 Expenses from self-employment or operation of a business

When earnings are from self-employment or operation of a business, determination of nonexempt net income is computed in the manner specified for the adult aids, as follows:

- a. Determine total gross income from self-employment and any gross income as an employee.

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44-113 NET INCOME (continued)

44-113

AFDC

- b. Deduct nonpersonal business expenses from gross income; i.e., expenses incurred in the production of income (See Section 44-113.1). Principal payments are not allowed except for tools and equipment essential to the employment, which are allowed as personal expenses (see item d. below).
- c. Deduct the amount of exempt income, computed in accordance with Section 44-111.23 and 44-111.24.
- d. Deduct personal work expenses (not to exceed the \$100 limitation as specified in Section 44-113.23); i.e., deduct expenses as provided in Section 44-113.231.

Any remainder is nonexempt net earned income.

.234. Expenses when earnings are paid in kind

When an entire item of need in the AFDC Minimum Needs Standard is met in kind as a result of a service performed, the monetary value of the item as shown in the Schedule of Allowances (See Section 44-212) is gross income to the family. The earned income exemption, the standard allowance of \$12, and actual expenses of employment (See Sections 44-111.23 and 44-113.231) shall be deducted to determine the amount of nonexempt earned income.

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FINDING OF EMERGENCY

The following regulation revisions are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Eligibility and Assistance Standards Regulation Sections 44-111.2 through .233

Eligibility and Assistance Standards Regulation Sections 44-113.2 through .234

The following facts constitute the emergency with respect to the regulations listed above:

1. On November 17, 1969, the Superior Court of the State of California for the County of Sacramento ruled that Regulation Section 44-111.23 was invalid, void and of no effect and ordered the Director of the Department of Social Welfare to cease and desist forthwith from further applying or enforcing Regulation 44-111.23.
2. Failure to amend forthwith the regulations listed above, and particularly Section 44-111.23, would constitute a violation of the law as interpreted by the courts and would, therefore, necessarily be contrary to the public health, safety and general welfare.
3. Unless revisions listed are adopted on an emergency basis the regulations of the Department of Social Welfare would be in conflict with state and federal law and regulations as interpreted by the Superior Court.

The revisions listed above must, therefore, be adopted as emergency regulations effective February 1, 1970.

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ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.1)

NOV 28 1969

Office of Administrative Procedure

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Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: November 26, 1969

By:

Director

(Title)

FILED

in the office of the Secretary of State
of the State of California

NOV 28 1969

At 4:17 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

44-239 SPECIAL NEED FOR ATTENDANT SERVICES (Continued)

44-239

AB
ATD
OAS

.2 Requirements and Limitations

.21 Allowance for Attendant Services - Special Circumstances

.211 Attendant Service Provided by a Parent, Spouse,
or Adult Child

Allowance shall not be made for attendant services provided by a parent, spouse, or adult child unless such relative is able to work but is unable to accept employment or must relinquish employment in order to care for the disabled recipient.

AB
OAS

ATD

Allowance of attendant service shall not be made for a parent of an ATD recipient under the age of 21 serving as the attendant nor for the spouse of an ATD recipient serving as the attendant when the recipient is living with such relative. The limitations set forth in the paragraph above govern allowances for attendant services provided

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(Pursuant to Government Code Section 11380.1)

44-239 SPECIAL NEED FOR ATTENDANT SERVICES

44-239

FTD

by a parent or by an adult child if the ATD
recipient is over 21 or if he receives such
attendant services from a parent or adult child
with whom he does not live.

AB
OAS
ATD

.212 Recipient in Out-of-Home Care Living Arrangement

Payment for attendant services is not allowable to persons in public or private medical institutions, nursing homes, rehabilitation facilities, family care homes or institutions.

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44-239 SPECIAL NEED FOR ATTENDANT SERVICES (Continued)

44-239

AB
ATD
OAS.24 Persons Eligible for Attendant Services

Eligibility shall be determined on the basis of a current medical examination with a report from the examining physician, and a social study which includes a statement of the recipient's preferences, a description of the physical facilities and family attitudes toward the care of the recipient at home. Persons eligible for attendant services are those persons who are not able to care for themselves by virtue of disability and

.241 whose care creates an excessive burden for the major caretaker, or who are receiving inadequate care because the family cannot provide the necessary services, or

.242 who are living alone and dependent on neighbors or others for essential services, or performing essential services to the detriment of their health or in a substandard or hazardous manner.

.25 Ineligibility for Attendant Services

.253 Attendant services are not allowable for persons in a board and room arrangement unless the board and room living arrangement with attendant services is essential to an approved rehabilitation plan.

.254 Attendant services shall not be allowed in any case for any month in which the county provides homemaker services for that case.

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44-239 SPECIAL NEED FOR ATTENDANT SERVICES (Continued)

44-239

AB
ATD
OAS.26 Maximum allowances

- .264 In exceptional social circumstances the standard is the actual cost up to \$300. When two or more recipients in the same household require attendant services, the allowance in the assistance group to each recipient for such services shall be limited to a maximum of \$200 per month plus whatever additional funds are available under Regulation 44-111.473 (ATD only).

The total cost of the individual plan shall be carefully weighed in relation to the comparative cost of out-of-home care and the social gains that might be realized in helping the person remain in his own home. A reasonable financial plan shall be assured. Attendant care allowances in excess of \$150 for each recipient shall not be made if the resulting grant would be greater than the cost of the appropriate level of out-of-home care, unless exceptional circumstances warrant such an allowance. Exceptional circumstances shall be limited to the following:

- (a) An attendant is needed to provide personal care for more than one recipient in the same household, or to act as a homemaker for a recipient who is an incapacitated parent with one or more children living in the home, or
- (b) The recipient has very severe, relatively static disability and requires full-time, predominantly personal care, services in addition to those the family are able to provide, or
- (c) A person who has lived alone must enter an out-of-home care facility to secure appropriate care but needs a full-time attendant during a short interim period while change is effected in the living plan.

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NOV 28 1969

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

____ State Department of Social Welfare ____
 (Agency)

Dated: November 26, 1969

By: _____

____ Director ____

(Title)

FILED

In the office of the Secretary of State
 of the State of California

NOV 28 1969

At 4:19 o'clock P.M. of

FRANK M. JORDAN, Secretary of State

By: _____
 Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.
 These regulations do not contain any building standards.

10-051 REQUIRED SERVICE PROGRAMS - ALL COUNTIES (Continued)

10-051

.9 Homemaker Services - Adults

To help aged, blind, and disabled adults remain in or return to their own homes and to help maintain and strengthen their capacities for self-care by placing in the home a specially trained person to provide direct services and help individuals raise their levels of functioning in the areas of personal care and household management. (See Chapter 30-500.)

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10-053 RECOMMENDED SERVICE PROGRAMS (Continued)

10-053

5 Homemaker Services - Children

To prevent family disruption and safeguard the care of children and others when the natural homemaker is absent or unable to function and to help maintain and strengthen family life by placement in the home of a specially trained person to assist the responsible relative to provide child care, home management and related supportive services, and to demonstrate and help teach improved methods of child care and homemaking. (See Chapter 56-120.)

10-072 FORMER AND POTENTIAL RECIPIENTS OF CATEGORICAL PUBLIC
ASSISTANCE (Continued)

10-072

.2 Services for Former and Potential Recipients

- .21 All individuals and families certified as Medically Needy are eligible for all required (Section 10-051) and recommended Services (Section 10-053) on the same basis as current applicants for or recipients of categorical public assistance when they request such Services, except for homemaker services-adults. (See Section 10-051.91)

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(Pursuant to Government Code Section 11180.1)

10-203 STAFFING STANDARDS (Continued)

10-203

.9 Homemakers (Chapter 30-500)

- .91 The county staffing plan for homemaker positions shall be based on reasonable estimates of the projected caseload for whom homemaker services are planned, including provision for substitutes when regularly assigned homemakers are absent due to vacations, illness, training or other reasons.
- .92 Priority shall be given to training and employment of recipients of public assistance as homemakers.
- .93 The suggested standard for the number of homemaker supervisor positions in the approved county budget is an average of not more than 10 full-time homemaker positions per supervisor. If part-time homemakers are included, the suggested standard for the number of workers per supervisor is an average of not more than 15. The county shall include in its county plan for SDSW review and approval, any staffing pattern which does not meet the suggested standards.
- .94 Provision shall be made in the approved county budget for adequate supporting clerical staff.

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(Pursuant to Government Code Section 11380.1)

30-500 HOMEMAKER SERVICES - ADULTS

30-500

30-501 OBJECTIVES

30-501

To help aged, blind, and disabled adults remain in or return to their own homes, and to help maintain and strengthen their capacities for self-care by placing in their home a specially trained person to provide direct services and help individuals raise their level of functioning in the areas of personal care and household management. (See Section 10-051.9.)

30-503 INTRODUCTION AND PURPOSE

30-503

Homemaker services are provided directly within the person's home by staff recruited, trained and supervised in accordance with standards established by SDSW. These services are used to complement and augment, and not substitute for, social work, out-of-home care, nursing or other professional services.

Homemaker services are provided as a result of a social and, when indicated, a medical or psychiatric evaluation and recommendation. These services may be provided on a full- or part-time basis and for short or continuing periods, according to the service needs of the individual, and within the expenditure limit of \$300 personal services costs per case per month so far as state cost sharing is concerned. Counties may expend beyond this limit on a federal-county cost sharing basis but are not required to do so.

Provision of homemaker services shall be carefully weighed in relation to the ^{rehabilitative} social and protective benefits for the person and to the comparative cost of out-of-home care.

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30-503 INTRODUCTION AND PURPOSE (Continued)

30-503

The purpose for which homemaker services are provided include any or a combination of the following:

- .1 To provide household management and maintenance, personal care, and related supportive services to enable aged, blind, and disabled adults to remain in or return to their own homes and attain that level of independence which their condition permits.
- .2 To prevent disruption of the home, maintain family life, and safeguard the care of the *person* when the usual caretaker is unable to function due to physical or mental illness, death, absence or other crisis; or whose care creates an excessive burden for the major caretaker; or who are receiving inadequate care because the family cannot provide the necessary care.
- .3 To help develop and to teach by demonstration, where appropriate, improved household management and housekeeping practices, self-care and independent functioning.
- .4 To help individuals make more effective use of existing community resources and to encourage participation in community life.
- .5 To allow the implementation of an approved rehabilitation plan when the individual resides in a board and room living arrangement.

30-505 PERSONS ELIGIBLE FOR HOMEMAKER SERVICES

30-505

The county welfare department shall provide homemaker services as needed for persons applying for or currently receiving OAS, AB and ATD.

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30-507 COUNTY PLAN FOR HOMEMAKER SERVICES

30-507

- DO NOT WRITE IN THIS SPACE
- .1 The county welfare department shall submit to SDSW for approval a plan to provide homemaker services. In keeping with the needs of the individual county, the plan will provide homemaker services through homemakers employed by the county welfare department or through contract with a voluntary nonprofit agency, proprietary agency, other public agency, or with an individual. Contracts with other agencies shall include a provision that assures priority will be given to the employment of recipients of public assistance.
 - .2 The county plan for homemaker services shall be developed in accordance with the standards set forth in this chapter and in accordance with Fiscal, Merit System and Training requirements established by the SDSW.
 - .3 In ATD all grant allowances for attendant care shall be terminated not later than March 31, 1971, and the county's homemaker services shall be operative not later than April 1, 1971.
 - .4 In OAS and AB all grant allowances for attendant care shall be terminated not later than March 31, 1972, and the county's homemaker service shall be operative not later than April 1, 1972.
 - .5 The county plan for homemaker services shall be submitted to the SDSW at least 45 days prior to the date on which the approved plan is to become operative.
 - .6 An interim county plan for the implementation of homemaker services through individual contracts in ATD may be submitted in advance of the total county plan for homemaker services - adults.
 - .7 These regulations may be implemented on a case-by-case basis provided there is no overlapping of allowances for attendant care and the provision of homemaker services in the same case *in the same month.*

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(Pursuant to Government Code Section 11380.1)

30-507 COUNTY PLAN FOR HOMEMAKER SERVICES (Continued)

30-507

- .8 All grant allowances for attendant care, not to exceed \$300, are subject to the limitations of regulation Section 44-239 and such allowances shall be subject to participation by the county under the usual categorical public assistance formula.

30-508 STANDARDS FOR HOMEMAKER SERVICES

30-508

In developing and administering a program to provide homemaker services, the county welfare department shall develop policies and procedures that:

- .1 Assure administrative responsibility for homemaker services in the county department is clearly designated, and is organizationally assigned as a service program, with provision for continuing coordination of homemaker services with other parts of the agency program. In recruitment, training and employment of homemakers, welfare departments and contracting agencies shall utilize to the fullest extent possible the resources of the Department of Human Resources Development, Work Incentive Program (WIN).
- .2 Social ^{work} services shall be provided to an applicant or a recipient of homemaker services for assessment of need, continuance of services or at other times as indicated.
- .21 Persons considered eligible for home health aide services from certified home health agencies shall be referred to such agencies.
- .22 Persons requiring out-of-home care shall be assisted to make such a plan.
- .23 Evaluation of the need for homemaker services shall be made in accordance with Sections 30-503.1 through 30-503.5.
- .3 Define the types of situations in which homemaker services will be provided.
- .4 Determine the nature and extent of homemaker services which will be provided in each situation with full consideration to alternative methods of care. (State participation in the cost of homemaker services provided

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30-508 STANDARDS FOR HOMEMAKER SERVICES (Continued)

30-508

to or purchased for any individual shall not exceed \$300 for personal services costs in any one month.)

.41 Homemaker services shall be recommended by the social worker and provided subject to approval by the homemaker unit.

.42 Continuance of homemaker services are to be evaluated as often as necessary, but at least every six months.

.5 Assign homemakers, based on:

.51 Assessment of general qualifications.

.52 Evaluation of additional qualifications needed for specific kinds of situations.

.53 The most efficient and effective use of the homemaker's time and skills.

.6 Provides for:

.61 Recruitment of homemakers through special recruitment efforts, as needed, in addition to normal recruitment channels.

.62 Through contract with:

.621 Nonprofit voluntary agency.

.622 Proprietary agency.

.623 Public agency.

.624 Individual.

.63 Training of homemakers in accordance with the SDSW staff development regulations and requirements and including:

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(Pursuant to Government Code Section 11380.1)

30-508 STANDARDS FOR HOMEMAKER SERVICES (Continued)

30-508

- .631 Orientation to the county welfare department's purpose, structure, program, processes and methods generally, and to the purpose and objectives of homemaker services specifically.
- .632 Necessary and appropriate training for the specific tasks to be performed by homemakers, in accordance with established standards for such training.
- .633 Additional inservice training at regular periodic intervals to enhance the depth and scope of the homemaker's knowledge, competence and usefulness.
- .64 Program direction and supervision:
- .641 The homemaker program must be under the general direction of experienced social work staff. This may be accomplished by the assignment of direct supervision of homemakers to designated social work staff. An alternative is the designation of experienced social work staff in the role of consultant and coordinator and the responsibility for direct supervision of homemakers assigned to an appropriately experienced staff member, i.e., an experienced homemaker, LVN, nurse, home economist, etc.
- .65 Evaluation of the performance of homemakers, based on:
- .651 Clear statements describing the tasks homemakers are expected to perform.

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(Pursuant to Government Code Section 11380.1)

30-508 STANDARDS FOR HOMEMAKER SERVICES (Continued)

30-508

.652 Standards for assessing the performance and progress of
homemakers.

.66 Consultation to homemaker staff, as required, from physicians,
nurse, home economists and other appropriate persons.

.67 Records and reports are required.

.68 Coordination of the county department's homemaker services with
other community resources and services.

30-509 PURCHASE OF HOMEMAKER SERVICES

30-509

The county welfare department may provide homemaker services through contract
(see Section 10-034) with a voluntary-nonprofit agency, proprietary agency,
or other public agency or individual providing the following requirements are
met:

.1 General Requirements

The following are applicable in all situations in which homemaker services
are provided through purchase of service:

.11 If efficient administration of available resources indicates the ad-
visability of purchasing services and the basis for such determina-
tion is recorded in the county plan for homemaker services.

.12 A written record of the performance of the service contractor
(agency or individual), including the percentage of welfare
recipients trained and employed as homemakers, shall be
prepared at least annually and made available to the SDSW
upon request.

.2 Contracts With Other Agencies

In addition to the general requirements in .1 above, the following condi-
tions must be met when homemaker services are provided through contract
with a voluntary-nonprofit agency, proprietary agency, or other public agency:

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30-509 PURCHASE OF HOMEMAKER SERVICES (Continued)

30-509

- .21 The contract between the county welfare department and the other agency shall include a provision which assures that preference in the employment of homemakers will be given to recipients of public ^{assistance.}
- .22 Qualifications for homemakers secured through contract with another agency shall be the equivalent of the minimum qualifications established for employment of homemakers *by the county welfare department.*
- .23 Training provided for homemakers secured through contract with another agency shall be ^{reasonably equal} to the standards for training of homemakers employed by the county welfare department.
- .24 Provision of homemaker services secured through contract with another agency shall be in accordance with the ^{applicable} standards set forth in Section 30-508.
- .241 When homemaker services are purchased from a voluntary, non-profit or other public agency, personal services can not exceed \$300 per case per month insofar as State sharing is concerned. Counties may expend beyond this limit on a federal-county cost sharing basis, but are not required to do so.
- .25 Contracts with proprietary agencies:
- .251 When homemaker services are purchased from a proprietary agency, the total cost of such services shall not exceed by more than five per cent the total cost of comparable services if provided by staff employed by the county welfare department. So far as state cost sharing is concerned, personal services costs cannot exceed \$300 per case per month. Counties may expend beyond this limit on a federal-county cost sharing basis *BUT ARE NOT REQUIRED TO DO SO.*
- .252 Shall meet the ^{applicable} requirements of Sections 30-508 and 30-509.

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(Pursuant to Government Code Section 11380.1)

30-509 PURCHASE OF HOMEMAKER SERVICES (Continued)

30-509

.3 Contracts With Individuals

Under circumstances where needed services cannot otherwise be provided, the county may contract with individuals. Such circumstances include geographical isolation, care by a relative, a long-standing arrangement essential to the recipient, or the prohibitively high cost of agency homemaker services. The following conditions must be met:

- .31** The individual providing homemaker services shall be a person of demonstrated concern and responsibility whose service is essential to the well-being of the recipient.

.311 An individual contract with a parent, spouse or adult child shall not be made unless the individual is able to work but is unable to accept employment or must relinquish employment in order to care for the recipient of the homemaker services.

- .32** The contract between the county welfare department and the individual providing the homemaker services shall include the following:

.321 A description of the duties to be performed by the homemaker.

.322 The minimum number of hours of service per month covered by the contract;

.323 The payment shall be established in accordance with Section 30-509.36;

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30-509 *Purchase of Homemaker Services (Continued)* 30-509

- .324 A statement that the individual homemaker assumes responsibility
for the costs of his meals, transportation and all other work-
related personal expenses and that no additional payments will
be made by the county welfare department or the recipient of
the service for any of these items.
- .325 Provision for the homemaker to notify the county welfare depart-
ment in the event of illness or other circumstances which pre-
vent the homemaker from providing the services as set forth
in the contract.

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30-509 PURCHASE OF HOMEMAKER SERVICES (Continued)

30-509

- .33 Provision is made for a home visit as often as necessary, but at least once every three months to assure that the services as needed and agreed upon are being provided.
- .34 Provision is made for training *when* necessary and appropriate, for individuals providing homemaker service through contract with the county welfare department.
- .35 The contract between the county welfare department and the individual providing homemaker services shall be reviewed and modified or renewed as often as necessary, but at least once a year.
- .36 The maximum payment allowed for homemaker services provided through contract with an individual shall be determined in accordance with one of the following provisions:
- .361 When the homemaker is providing service to one eligible person in the household, the maximum payment shall be \$100 per month;
- .362 When the homemaker is providing service to two or more eligible persons in the same household, the maximum payment shall be \$150 per month for homemaker services for each recipient;
- .363 In exceptional social circumstances, the maximum payment shall be \$300 per month when the homemaker is providing service to one eligible person in the household; or
- .364 In exceptional social circumstances in which the homemaker is providing service to two or more eligible persons in the same household, the maximum payment shall be \$200 per month for homemaker services for each recipient.

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE
(Agency)

Dated: November 25, 1969

By: John C. Smith

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

NOV 28 1969

At 4:20 o'clock P.M.

FRANK M. JORDAN, Secretary of State

By: Frank M. Jordan
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT - OWN HOME

44-207

AB
ATD
OAS

Needs, as set forth in the chart in Section .1 below, are considered common to every recipient in an independent living arrangement in his own rented or owned home, including a hotel, apartment house, etc. These minimum needs are to be allowed in the amounts specified.

ATD

The ATD recipient who resides with his parent is considered to live in his "own home" regardless of whether he shares expenses, rents a room in the home, or is in the home on a board and room or a board and care basis. Minimum need of such recipient is determined on the basis of a shared living arrangement as provided in Section 44-207.12 except that a need allowance for housing and utilities is included only under the conditions specified in Section .214 below.

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44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT -
OWN HOME (Continued)

44-207

44-207.214

ATD ATD Recipient Resides with Parent

"Parent" as used herein includes both parents when both are
in the home.

When an ATD recipient resides with his parent, the
parent is obligated to provide him with housing and
other similar needs which do not add appreciably to
the family expense. Form DA 226, Notice to Parent
of ATD Recipient, shall be sent to the parent inform-
ing him of this obligation.

It is considered that the presence of the ATD recipient in the home does not
add appreciably to the family's expense for housing and utilities and that the
ATD recipient in the home has no need for these items. However, a housing and
utility allowance shall be made, as set forth below, if the parent is also
receiving public assistance or if he establishes

that (a) the family expense for housing and
utilities is increased appreciably because of the
presence of the ATD recipient in the home, and (b) that
the family's expense for housing and utilities exceeds
25 percent of the parent's total net income.

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44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT -
OWN HOME (Continued)

44-207

ATD

Appreciable increase in housing and utility expense
may be supported ^{if} the family has had
to make special housing arrangements in order to care
for the recipient, i.e., rent a larger house or a
house with special equipment or build or buy a home
with an added room or special equipment.

If ^A it is established that the parent has had to
make special housing arrangements in order to care for
the ATD recipient in the home and that his housing and
utility expenses exceed 25% of his total net income, a
portion of the housing and utility expense will be
considered to result from the presence of the ATD
recipient in the home. In such case, the need allow-
ance to the ATD recipient for housing and utilities
will be whichever of the following is less:

1. The amount by which the total housing and utility
costs exceed 25% of the parent's net income
- or
2. The amount which the ATD recipient would otherwise
receive for housing and utilities in a shared
living arrangement. (See Section 44-207.233.)

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44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT - 44-207
OWN HOME (Continued)RTD

It shall be concluded that the ATD recipient is residing with his parent if he and the parent are living together in what is normally considered as one living unit. This conclusion may not be valid if it is established that it is the parent who is, in fact, residing in the home of the ATD recipient. It is reasonable to conclude that the parent is residing in the home of the ATD recipient if all of the conditions set forth in a, b, and c below are met:

- a. The ATD recipient and, if married, his spouse, previously established a living arrangement away from the home of the ATD recipient's parents.
- b. The housing costs, including total rental or ownership costs, are primarily the responsibility of the ATD recipient and his spouse.
- c. The parent of the ATD recipient moved into the home of the ATD recipient to assist with costs and/or to provide care to the ATD recipient.

If it is established that the parent is residing in the home of the ATD recipient rather than the ATD recipient residing in the home of the parent, the ATD recipient's housing need is determined as provided in Regulation Section 44-207.233.

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44-209 MINIMUM NEEDS OF RECIPIENTS IN NONMEDICAL OUT-OF-HOME CARE FACILITIES

44-209

AB Needs, as set forth in Section .3 below are considered to be common to every recipient who is receiving
ATD personal care and supervision in a nonmedical out-of-home care facility including the home of a relative or
OAS friend. These needs shall be allowed in the amounts specified for the particular type of care required and received by the recipient. Special needs are not allowed.

Types of care are classified as follows:

.1 Group I – Minimum to Moderate Care and Supervision

A person in this group needs protective environment but limited personal service. He may be able to go out by himself, take care of his own room, and assume responsibility for his own medications, or he may need and receive one or more of the following:

- .11 Assistance in caring for his room, but can manage dressing and personal hygiene;
- .12 Help with medications because of forgetfulness, poor eyesight or shakiness;
- .13 A special room approved by the fire inspector for nonambulatory occupant.

A person receiving care in a family care home certified by the State Department of Social Welfare or a person receiving care from an adult child (or in AB and OAS from an adult child or parent) in the home of such child or parent is considered to be in Group I. (Need of an ATD recipient who resides with his parent(s) is determined under Section 44-207.12 and 44-207.214.)

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Office of Administrative Procedure

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STATE DEPARTMENT OF SOCIAL WELFARE

(Agency)

Dated: November 25, 1969

By: *John C. [Signature]*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

NOV 28 1969

At 4:22 o'clock

FRANK M. JORDAN, Secretary of State

By: *[Signature]*
Assistant Secretary of State

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44-221 MINIMUM NEED - CHILD IN FOSTER CARE

44-221

AFDC/

When a child is living in foster care, his or her minimum need is the boarding home or private institution rate of the county in which the home or institution is located, as established by the county in accordance with Section 10-225.

For other requirements relating to payments and services for children in foster care, see Section 44-271 (Special Needs), 44-315.52 and 44-323 (Aid Payments), and 30-300 (Services).

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(Pursuant to Government Code Section 11380.1)

44-323 PAYMENTS FOR CHILDREN IN FOSTER CARE

44-323

AFDC/

.1 Eligibility

.11 A child under age 16 is eligible for payment of AFDC while in foster care if the foster family home or private institution is licensed, except that:

.111 If the child is in an unlicensed home or institution requiring a license, the child ^{SHALL} be aided subject to application by the foster family home or institution for a license and during such time as the licensing study is in process, provided the child is otherwise eligible and the ^{Services} ~~System~~ establishes that continuation of the placement during the licensing study is not contrary to the best interests of the child. (SEE SECTION 30-309.6).

- This provision applies:
- a. To the child for whom application is made,
 - b. To the child receiving aid who is moved to a different home, and
 - c. To the child receiving aid who at time of reinvestigation is found to be living in a currently unlicensed home.

.112 If the child is living in the home of his guardian or is committed by the court under W&IC 227(a) or (b), AFDC shall be paid subject to a determination by the Services System that the home or facility meets the physical, social and psychological needs of the child. (SEE SECTION 30-309.6).

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(Pursuant to Government Code Section 11380.1)

44-323 PAYMENTS FOR CHILDREN IN FOSTER CARE (Continued)

44-323

AFDC

Upon a finding that these needs of the child are not met;

- a. The Services System shall provide protective services for the child living with his or her guardian, or
- b. In the case of a child committed under W&IC 727(a) or (b), the Income Maintenance System shall notify the court that AFDC will be discontinued not later than three months after notification if the child is not removed to a home meeting these needs.

- .12 AFDC shall be paid for a child beyond the age for which licensing requirements are applicable (i.e., age 16) who is living in an unlicensed home or institution which meets the physical, social and psychological needs of the child (See Section 30-317). This provision applies to children as specified in Section 44-323.111a-b-c above.

Upon a finding that the home or institution does not meet these needs, AFDC shall be discontinued not later than at the end of three months if the child has not been removed to a home meeting these needs.

- .13 A child in foster care who becomes ineligible for AFDC after the first day of the month is entitled to payment for the entire month if he or she remains in the foster family home or institution.

- .14 Subsequent to June 30, 1970, federally ineligible dependent children placed under the supervision of the probation department shall be eligible for state participation in the payment to the boarding home or private institution
ONLY WHEN THERE IS a written agreement between the county welfare department and the probation department as specified in Sections 30-321.15 and 29-405.

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44-323 PAYMENTS FOR CHILDREN IN FOSTER CARE (Continued)

44-323

.4 Child Removed From His Home by Court DeterminationAFDC | .41 Criteria for Federal Participation

Federal participation in the cost of foster care payments is available for children in foster care when the following conditions are met:

.411 The child is removed from his home or the home of a relative (see 44-213) after April 30, 1961, by court order because of neglect or unsatisfactory home conditions; and

.412 In the month during which the court proceedings are initiated:

a. The child is receiving AFDC, or

b. The child was living with and was removed from the home of a relative as specified in Section 44-213 (a., b. or c.) and would have received AFDC if an application had been made, or

c. The child had been living with a relative as specified in Section 44-213 (a, b or c) within the six months prior to initiation of court proceedings, and the child would have received AFDC in or for such month in which court proceedings were initiated had the child still been living with (and removed from the home of) such relative, and had application been made for AFDC.

.413 a. The court order designates the county welfare department responsible for the placement, care and supervision of the child, or

b. The court order designates the probation office responsible for placement, care and supervision and there is a written agreement between the county welfare department and the probation office (See Section 29-405) that those services will be performed by the probation office.

.414 The child is placed in a foster family care home or private institution that is licensed or meets the conditions specified in Section 44-323.1.

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10-225 METHODS OF ESTABLISHING COUNTY FOSTER CARE RATES FOR ^(AFDC) CHILDREN 10-225

. I PRINCIPLES

The purpose of the AFDC foster care payment - whether for foster family care or institutional care - is to provide for each child the standard of care necessary to promote physical, mental, emotional, and spiritual growth and health and offer opportunity for participation in community life. The procedure for establishing foster care rates in each county shall adhere to the following principles:

. II Foster parents should not be expected to assume financial responsibility for any part of the child's care unless by special arrangement with the agency. Established fees for foster care should include provision for the predictable direct costs of care, for care and supervision of the kind and level required by the child, and for costs of other items and services identifiable to the child's need.

. III Predictable Direct Costs: The agency is responsible for all costs of the consumption items of foster care, including board and room, clothing, personal needs, recreation, transportation, education, incidentals, and medical and dental services.

. II 2 Care and Supervision: Part of the neediness of the child who must be placed away from his own home derives from the lack of services (appropriate and adequate care and supervision) which normally would be furnished by parents. The agency is responsible for making provision for meeting the cost of these services of the kind and quality necessary to meet the need of the child.

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10-225 METHODS OF ESTABLISHING COUNTY FOSTER CARE RATES FOR AFDC CHILDREN 10-225
(Continued)

.113 Other Costs and Services: In order to assure that each child

is receiving proper care and attention, provision should be made for meeting the costs of other items and services identifiable to the needs of the individual child.

.12 The rates established for payment to meet the individual needs of the child can be expected to have an influence on the level of quality of service provided. With respect to the care and supervision item, especially, the level of the established rates for such service is an indication of the agency's recognition of the value of the service and the right of the persons providing the service to reimbursement commensurate with the service provided.

.13 Objective and equitable criteria for establishing the rates to be paid for foster care are essential. These criteria should recognize individual differences in need related to the age of the child and the care he requires, and they should reflect realistic variations in costs which may exist within different areas of the state. The criteria should preclude the need or opportunity for individual negotiation with foster parents and/or children's institutions in securing proper care for the child in an approved facility.

.14 Foster parents, children's institutions, and cooperating agencies shall be advised of the established rates for foster care, including the specific items covered by the payments. The method of payment, including the circumstances under which advances or reimbursements for other needs will be made, needs to be clearly established with the persons or agency with whom the child is placed and to whom payments for foster care are to be made.

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10-225 METHODS OF ESTABLISHING COUNTY FOSTER CARE RATES FOR AFDC CHILDREN 10-225
(Continued). 2 PROCEDURE FOR DETERMINING FOSTER CARE RATES FOR CHILDREN IN FOSTER
FAMILY HOMES

Each county shall establish foster family home rates which shall include determination of basic rates, payment for care and supervision, and provision for other needs. Effective April 1, 1970 and operative in all cases not later than July 1, 1970 the overall foster family home rate shall be established in whole dollars.

. 21 Basic Rates. 211 Basic Rates by Age Groups

A basic rate shall be established for each of the following age groups:

Infant and child one through six years

Child seven through 12 years

Boy 13 through 17 years

Girl 13 through 17 years

. 212 Items to be Included in Basic Rates

Room and Board

Clothing

Personal Needs

Recreation

Transportation

Education and Incidentals

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10-225 METHODS OF ESTABLISHING COUNTY FOSTER CARE RATES FOR AFDC CHILDREN 10-225
(Continued)

.213 Method for Determining Costs of Basic Items

The AFDC Schedule of Allowances for Children Living in Family Groups (Section 44-212) shall be used as follows in determining the money amounts for each of the items in the basic rate schedule:

a. Room and Board

This item ^{SHALL} be the sum total of the following:

- (1) The food allowance for the appropriate age group.
- (2) The household operations allowance for one person in the Family Budget Unit Allowance.
- (3) One-fifth of the housing and utilities allowances for a family of five as listed in the AFDC-FG Schedule of such allowances.

In place of this Flat Standard
(Option A, ^{SECTION 10-225.24} ₁ counties have the option
of using either of the other methods described as
Options B and C in Section ^{10-225.24.}

Whichever of the three methods is selected by the county, it must be used in establishing the basic AFDC rates paid by the county for all children in foster family homes.

b. Clothing, Personal Needs, Recreation, & Transportation

Use the appropriate amounts from the Schedule for each age group.

c. Education and Incidentals

Use the amount from the Schedule

for one person in the Family Budget Unit.

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10-225 METHODS OF ESTABLISHING COUNTY FOSTER CARE RATES FOR AFDC CHILDREN
(Continued)

10-225

.22 Rates For Care and Supervision

A basic rate shall be established for care and supervision for each of the four age groups. Where the amounts vary for different age groups, the differences should reflect realistic variations in the kind of care required to provide appropriate care and supervision. Care and supervision of the infant and pre-school age child, for example, may make necessary a higher rate than is paid for the child who is out of the home during part of the day. Such other factors should also be considered as the need to arrange for care for children of some age groups when the foster parents are away from home.

Provision should also be made, in determining the rate to be paid for care and supervision, for increasing the payments for care of children requiring special care as a result of health or behavior problems.

.23 Provision for Other Needs

In establishing the payments for care of children in foster family homes, the county shall make provision for costs of other *ITEMS*

identifiable to the child's special needs; see

Section 44-271.

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10-225 METHODS OF ESTABLISHING COUNTY FOSTER CARE RATES FOR AFDC CHILDREN 10-225
(Continued)

24 Options for Determining Allowance FOR ROOM

The county shall select one of these three methods for determining the ROOMS allowance to be used in establishing the basic rates for payment for all children in foster family care.

Option A - Flat Standard

Take one-fifth of the
as listed in the

FOR HOUSING AND UTILITIES
allowance for a family of five
AFDC-FG SCHEDULE OF SUCH ALLOWANCES (44-265.1)

Use this amount in computing the basic room and board rate for all children in foster family care.

Example: If the housing AND UTILITIES allowance for a family of five is \$85, the amount to be allowed for room for each child is one-fifth of \$85 or \$17.

Option B - County Average

Determine the average size of the foster family unit (including own children and the foster child or children) in the county.

Take the amount allowed for housing AND UTILITIES for a family of that size and divide by the number of people in the family unit. The result is the amount to be allowed FOR ROOM IN computing the basic room and board rate for all children in foster family care.

Example: The average size of the foster family unit is determined to be seven people. If the housing AND UTILITIES allowance for seven people is \$91, the amount to be allowed for room for each foster child is one-seventh of \$91 or \$13.

Effective 2/1/70

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CONTINUATION SHEET
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

10-225 METHODS OF ESTABLISHING COUNTY FOSTER CARE RATES FOR AFDC CHILDREN 10-225
(Continued)Option C - Individual Allowance

For each child, determine the actual size of the foster family unit in which the child is placed, including own children and the foster child or children. Take the amount allowed for ^{AND UTILITIES} housing for that size family unit and divide by the number of people in the family unit. The result is the amount to be used in computing the basic room and board rate for each foster child.

Example: The foster family unit consists of the foster parents, their two children, and two foster children, making a family unit of six people. If the amount allowed for ^(AND UTILITIES) housing for a family unit of six is \$90, the amount to be allowed for each foster child placed with this family is one-sixth of \$90 or \$15.

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(Pursuant to Government Code Section 11380.1)

10-225 METHODS OF ESTABLISHING COUNTY FOSTER CARE RATES FOR AFDC CHILDREN 10-225
(Continued).3 PROCEDURE FOR DETERMINING FOSTER CARE RATES FOR CHILDREN IN PRIVATE
INSTITUTIONS

The rate for a child placed in a private institution is the amount charged by the institution, as negotiated by the county welfare department. Effective April 1, 1970 and operative in all cases not later than July 1, 1970, the rate for institutional foster care shall be established in whole dollars.

See Sections 44-271, 44-315.52 and 44-323 regarding special need and payments for children living in a private institution.

.4 SUBMISSION OF ANNUAL DATA ON COUNTY FOSTER CARE RATES

Each county shall send to the SDSW Bureau of Statistical Reports by October 15 of each year, information on the rates in effect for foster family care and for private institutional care as reflected in the county budget for the fiscal period ending the following June 30.

Effective 2/1/70

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

The following regulations are repealed effective 2/1/70:

Department Bulletin No. 630 (AFDC), Revised dated 12/22/64

Federal Participation in AFDC Payments for Foster Care

Department Bulletin No. 630 (AFDC), Revised dated 12/28/64

Federal Participation in AFDC Payments for Foster Care (Attachment)

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FACE SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

NOV 23 1969

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.1)

NOV 28 1969

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

STATE DEPARTMENT OF SOCIAL WELFARE

Dated: November 25, 1969
(Agency)By: John C. Z...
Director

(Title)

FILED

in the office of the Secretary of State
of the State of California

NOV 28 1969

At 4:25 P.M.

FRANK M. JORDAN, Secretary of State

By: [Signature]
Assistant Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

10-051 REQUIRED SERVICE PROGRAMS - ALL COUNTIES

10-051

.3 Employment and Rehabilitation Services

.31 To make a plan for and provide supportive social services to recipients with an immediate potential for employment, or rehabilitation leading to employment. (See Chapter 30-150.)

.32 To evaluate and refer all appropriate AFDC recipients to the Work Incentive Program and to provide supportive social services and administrative funds, including funds for child care (in-home or day care) and related expenses, to those referred and to their families to assist them to utilize this program effectively to achieve self-support. (See Section 30-160, et. seq.)

10-053 RECOMMENDED SERVICE PROGRAMS

10-053

.3 Educational and Training Services

To provide on an optional basis through purchase, through operation or administration by the county welfare department or through other acceptable means, educational and training programs aimed at the following groups:

.31 Specified AFDC recipients with an immediate potential for employment or rehabilitation leading to employment for whom the Work Incentive Program is not available, and

.32 Adult Aid Recipients who have an immediate potential for employment or rehabilitation leading to employment.

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(Pursuant to Government Code Section 11380.1)

CHAPTER 30-150 EMPLOYMENT AND REHABILITATION SERVICES

30-151 OBJECTIVES OF EMPLOYMENT AND REHABILITATION SERVICES

30-151

AFDC
ATD
OAS
AB
.2

.1 To make a plan for and provide supportive social services to recipients with an immediate potential for employment, or rehabilitation leading to employment. (See Section 10-051.31.)

To evaluate and refer all appropriate AFDC recipients to the Work Incentive Program and to provide supportive social services and administrative funds, including funds for child care (in-home or day care) and related expenses, to those referred and to their families in order to assist them to utilize this program effectively to achieve self-support. (See Section 10-051.32.)

AFDC
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.1

30-152 RESPONSIBILITIES OF THE SOCIAL SERVICES SYSTEM FOR EMPLOYMENT AND REHABILITATION SERVICES

30-152

Upon referral of an individual to the Social Services system from the Income Maintenance system, or from any other source, including self-referral, an assessment shall be made of the potential of the person for immediate employment or rehabilitation leading to employment and, where indicated, a service plan shall be made for meeting the objective. The assessment shall include:

- .11 Identification of whether the individual is currently ready or has immediate potential for employment or training.
- .12 Determination of whether the individual is appropriate for referral to programs offering training and employment services and where appropriate, referral of the individual. (See Section 30-160 et. seq. regarding required referrals to WIN.)
- .13 Completion of any necessary general or specialized diagnostic assessment (e.g., vocational, rehabilitation, education, medical, and psychological) of health, learning, and other limitations which might prevent involvement in employment or training.

Effective 2/1/70

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

30-152 RESPONSIBILITIES OF THE SOCIAL SERVICES SYSTEM FOR EMPLOYMENT AND
REHABILITATION SERVICES (Continued)

30-152

AFDC
ATD
OAS
AB .2 A plan shall be developed for each member of the family for whom there is a reasonable expectation of immediate involvement in employment or rehabilitation training. To assure that employment or training plans are implemented effectively, they shall be reviewed at least annually. (See Section 10-304.3.) The plan shall make provision for:

.21 Reasonable assurance that training or employment leads to stability of employment in a job which takes full advantage of the individual's potential.

.22 The social services necessary to deal with personal and family barriers which prevent or limit the individual in his use of training and in his achievement of stable employment.

.23 The utilization, where feasible, of public and private agencies in the fields of vocational rehabilitation, health, vocational and other education, including special attention to the capabilities of rehabilitation centers and workshops, community action agencies, neighborhood centers, and similar organizations.

AFDC .3 It shall be the continuing responsibility of the Social Services system to work with recipients and families to evaluate potentials for employment, develop plans for employment, and to encourage participation in a program which has such goals. As part of such plan the Social Services system shall:

.31 Insure that all families are properly classified with respect to the basis of deprivation. An AFDC recipient who appears to be sufficiently physically, mentally, or socially impaired shall be advised of his right to apply for Aid to Disabled. An AFDC parent with an impairment which adversely affects his capability for employment shall be referred back to the Income Maintenance system for possible reclassification as incapacitated (AFDC-FG) and, if appropriate, subsequently referred for determination as to whether disability exists under ATD. AFDC shall be continued during the determination process.

.32 Determine for each federally eligible AFDC recipient whether referral to WIN is appropriate and, if so, make the referral. (See Section 30-160, et. seq.)

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(Pursuant to Government Code Section 11380.1)

AFDC 30-153 COSTS OF SUPPORTIVE SERVICES RELATED TO OBTAINING AND RETAINING
ATD EMPLOYMENT OR REHABILITATION LEADING TO EMPLOYMENT

30-153

OAS
AB

.1 Except for individuals enrolled in WIN, the responsibility of the county for meeting service-connected expenses is met when the supportive services listed in 30-152 have been provided.

AFDC

.2 For persons referred to and participating in WIN, the county shall meet the costs of the supportive services listed in 30-152 and, in addition, all reasonable expenses incurred in meeting the employment objective, including:

.21 Transportation expenses subject to the conditions and limitations of Section 44-114.

.22 Cost of child care, i.e., day care or in-home care (See Section 30-367);

.23 Cost of medical treatment or appliances, to the extent that such costs are essential to realization of the purposes of the plan and are not met from other resources;

.24 Cost of essential items not provided by other agencies as part of the training of the individual;

.25 Cost of relocation to obtain training which has a reasonable presumption of leading directly to self-support; and

.26 Additional costs of lunches, clothing, grooming and incidental expenses which shall be allowed in a standard, flat amount of \$12, which shall not be prorated.

AFDC

.3 The service-connected expenses listed in 30-153.2 above shall be met from administrative funds for WIN Category II recipients. Such expenses in WIN Categories I and III shall be met as deductions from earnings, subject to the \$100 limitation specified in Section 44-113.23.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

AFDC

30-154 MEDICAL EXAMINATIONS TO DETERMINE EMPLOYMENT READINESS

30-154

- .1 Where referral to WIN, or to an employment or rehabilitation assignment is planned, the Social Services system shall assess the need for a pre-referral medical examination and assure that one is provided if adequate medical information is not available. A medical examination shall be arranged when there is indication of a physical or mental problem which needs to be evaluated in order to determine whether the recipient is a suitable candidate for referral to an employment, WIN, or rehabilitation program or when such an examination is necessary to assure that the person is properly placed in such a program. (See Section 30-152.31.)

A report of an examination made within the past six months shall be considered adequate if it contains the information required to complete a form CA 341 (Medical Examination and Work Capacities Evaluation).

The primary purpose of the medical examination is to place the recipient properly in a training program or job which matches his physical capabilities. It is also used to disclose physical defects which are correctable. It should not be used to exclude any recipient from employment or rehabilitation solely on the basis that he is not presently in good physical condition.

Form CA 341 (Medical Examination and Work Capacities Evaluation) is used for this purpose.

recipient who is a,

- .2 Each/potential referral to a WIN, employment, or rehabilitation assignment shall be advised of his right to obtain, without prejudice, a physical examination free of charge to him. (See also Fiscal Handbook Section 25-852.30, B1.)
- .3 Where a medical examination is indicated the recipient shall be referred to his own physician, or to an appropriate/clinic or hospital of his own choice. physician,
- .4 Restorative medical services directly related to improving the recipient's employability shall be provided if needed. All available resources such as Vocational Rehabilitation and Title XIX (Medi-Cal) shall be utilized for this purpose. Such services include the provision of eye-glasses, hearing aids, cosmetic dentistry, etc.

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AFDC

30-155 REQUIREMENTS FOR REFERRAL OF AFDC RECIPIENTS TO EMPLOYMENT OR REHABILITATION LEADING TO EMPLOYMENT

30-155

- .1 Eligibility for aid where the basis for deprivation is the unemployment of the parent is conditional upon his registering with the Department of Human Resources Development. (See ^{SECTION} 30-155.3 below.)
- .11 A referral to WIN meets the registration requirement. (See ^{SECTION} 30-162.1.)
- .12 For unemployed ^{PARENTS}, not eligible for WIN, or for whom WIN is not available, registration shall be made within 30 days of receipt of the initial aid payment. Effective 2/1/70

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-155 REQUIREMENTS FOR REFERRAL OF AFDC RECIPIENTS TO EMPLOYMENT
OR REHABILITATION LEADING TO EMPLOYMENT (Continued)

30-155

.2 For unemployed ^{PARENTS} not eligible for WIN, or for whom WIN is not
AFDC available, the following referral procedures shall apply:

.21 The Social Services system completes and gives to the recipient Form CA 340 A, Referral to Employment Services. The recipient takes the form to the designated office of the Department of Human Resources Development. The Department of Human Resources Development completes the reverse of the form as soon as possible and mails it to the Social Services system.

.22 Information known to, or actions taken by, either of the two agencies with respect to a recipient may affect the other agency. Thus, procedures shall be established by which each keeps the other advised of the current status of their activities with each recipient. The following forms shall be used for this purpose:

.221 CA 331, Notice of County Welfare Actions. This is for use by the ^{county} welfare department to notify the Department of Human Resources Development of factors which may affect its services.

.222 CA 333, Report to County Welfare Department. This is for use by the Department of Human Resources Development to notify the county welfare department of factors which may affect the plan of services or the recipient's eligibility. The circumstances may be described by the Department of Human Resources Development on the form or as an attachment.

.3 Where the unemployed parent's ability to work is not in question and the Income Maintenance system believes that employment is reasonably available, registration with the Department of Human Resources Development may be required prior to the granting of aid. In no instance shall such referral be required prior to completion of an application.

.4 An unemployed parent shall ^{apply for and} accept a bona fide offer of employment unless there is good cause for refusal. (See Sections 42-340.22 and 30-157.)

.5 A mother who has marketable skills which will provide sufficient income to meet her needs and those of her children on the AFDC standard of assistance shall be required to apply for and accept a bona fide offer of employment (See Section 44-103.21), provided that:

.51 Such employment would not be detrimental to her welfare or that of her family, and a child care plan which adequately meets the needs of her children is available.

.52 She is capable of meeting both her homemaking responsibilities and the demands of her employment.

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(Pursuant to Government Code Section 11380.1)

**30-155 REQUIREMENTS FOR REFERRAL OF AFDC RECIPIENTS TO EMPLOYMENT
OR REHABILITATION LEADING TO EMPLOYMENT (Continued)**

30-155

- AFDC .6 If the mother's present skill is such that her earnings would not meet the full needs of the family, the mother's capability of attaining full self-support shall be assessed. A determination shall be made as to whether a plan to upgrade her skills is feasible in terms of total self-support in a relative short period of time as opposed to continued supplementary assistance for a longer period. (See Chapter 31-200.)
- .7 A youth, aged 16 through 20, who is not in school, shall be required to apply for and accept a bona fide offer of employment unless an educational plan is under active consideration for implementation within 90 days, or employment is contraindicated by reason of disability. (See Section 44-103.21.)

- .8 A bona fide offer of employment is a verified offer to a particular person of a specific job at a stated hourly, weekly or monthly wage.

30-156 REFUSAL TO APPLY FOR OR ACCEPT EMPLOYMENT OR TRAINING LEADING TO EMPLOYMENT

30-156

- .1 For persons referred to WIN, the Department of Human Resources Development shall determine whether good cause exists for refusal of employment or participation in WIN. If the recipient requests a fair hearing, the California Unemployment Insurance Appeals Board shall conduct the hearing. The decision of that hearing shall be binding on the county welfare department.
- .2 For persons not referred to WIN, the Social Services System shall determine whether good cause exists for refusal of employment or training. If the recipient requests a fair hearing, such hearing shall be conducted by the State Department of Social Welfare.

30-157 DETERMINATION OF GOOD CAUSE FOR REFUSAL TO APPLY FOR OR ACCEPT TRAINING OR EMPLOYMENT

30-157

apply for or to

A recipient who refuses to accept referral to employment, or a bona fide offer of employment, or training, shall be considered to have "good cause" for refusal if any one of the following reasons exists:

- .1 The job or training program is not within the physical or mental capacity of the recipient.
- .2 The job or training program is excessively dangerous or hazardous.
- .3 The wages offered for the job are lower than the rates prevailing for similar work in the community or lower than the minimum rates established by the federal or state law for such work, whichever of the three rates is higher.
- .4 The job is available due directly to a bona fide strike, lockout or other labor dispute recognized as such by the Department of Human Resources Development.
- .5 The job or place of employment would expose the recipient to conditions which violate the provisions of the Health and Safety code.

applicable

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(Pursuant to Government Code Section 11380.1)

30-157 DETERMINATION OF GOOD CAUSE FOR REFUSAL TO APPLY FOR OR ACCEPT
TRAINING OR EMPLOYMENT (Continued)

30-157

AFDC

- .6 Acceptance of the job or training conflicts with the imminent likelihood of reemployment at the regular occupation of the recipient.
- .7 The job or training is located at such a distance from the residence of the recipient that in relation to available transportation, the individual's health or family situation, and/or travel time required, acceptance of it would cause undue hardship or be inconsistent with community practice.
- .8 Acceptance of the job precludes the completion of:
 - .81 A training or educational program designed to develop new or improved skills to which the recipient had been assigned, or encouraged or permitted to enter, on the basis of the following criteria:
 - .811 The recipient's present occupation and skills in relation to the market demand for that occupation are such that his earning capacity is insufficient to prevent periodic or continuous dependency on aid.
 - .812 The occupation for which the recipient is being trained would so increase his potential earning capacity that the likelihood of the family's dependency on aid would be substantially reduced.
 - .82 A manpower development training program for which the person had been selected by the Department of Human Resources Development.
 - .83 Vocational rehabilitation training service offered by the State Department of Rehabilitation.
- .9 The recipient is unable to report for work or training due to his own illness, or he is needed at home to take care of a member of his family requiring his care and he is unable to make other arrangements.
- .10 The job or training assignment requires the recipient to "live in", away from his family.
- .11 Suitable child care arrangements cannot be made.
- .12 The ^{reasonable} costs of training or employment are substantially in excess of the maximum amount allowed for this purpose under Sections 44-113.23 (WIN Categories I and III) or 44-114 (all WIN Categories).

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(Pursuant to Government Code Section 11380.1)

30-158 PENALTY FOR REFUSAL TO COOPERATE WITHOUT GOOD CAUSE

30-158

.1. Persons referred to WIN:

AFDC

- .11 A parent, or youth aged 16 through 20, referred to WIN who does not have good cause for refusal to apply for or accept employment or training as defined in Section 30-157 and determined by the Department of Human Resources Development, shall be offered a 60-day counselling period to reconsider the refusal.
- .12 The 60-day period shall begin upon written notice to the recipient, within seven days after receipt of the adverse decision to any appeal made to the Department of Human Resources Development, or within seven days after the refusal if no such appeal is filed.
- .13 If the recipient accepts the counselling offer he shall be counseled by the Social Services system and provided other necessary services aimed at overcoming obstacles to participation in an employment plan.
- .14 Where the person who refuses referral but accepts counselling is the parent of an AFDC child, the Social Services system shall assure that his needs are taken into account in determining family need, and that assistance in the form of protective or vendor payments are made during the 60-day counselling period. If, after this period, the person continues to refuse to accept referral to WIN the Income Maintenance system shall delete him from the family budget unit at the end of the month in which the 60-day period is completed and assistance in the form of protective or vendor payments shall continue only for the remainder of the family.
- .15 If the person who refuses referral but accepts counselling is the only dependent child receiving AFDC, the Income Maintenance system shall discontinue payments to the family at the end of the month in which the 60-day counselling period is completed, provided that the dependent child continues to refuse to accept referral to WIN.
- .16 If the person who refuses referral but accepts counselling is one of several dependent children receiving AFDC, assistance for that child shall be discontinued by the Income Maintenance system at the end of the month in which the 60-day counselling period is completed and his needs shall be deleted from the family budget unit, provided that he continues to refuse to accept referral to WIN.
- .17 The penalties prescribed in .13 through .15 above shall apply at the end of the month in which the refusal occurs where a recipient who refuses referral to WIN also refuses to accept counselling.

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(Pursuant to Government Code Section 11380.1)

30-158 PENALTY FOR REFUSAL TO COOPERATE WITHOUT GOOD CAUSE (Continued) 30-158

AFDC

.2 Persons not referred to WIN:

- .21 An AFDC-U parent not referred to WIN who does not have good cause for refusal to apply for or accept employment or training as defined in Section 30-157 renders the family ineligible for aid. Aid shall be discontinued at the end of the month in which the refusal occurs. (See Section 42-340.5.)
- .22 An AFDC caretaker mother not referred to WIN who does not have good cause for refusal to apply for or accept a bona fide offer of employment as defined in Sections 30-155.5 and 30-157 renders her family ineligible for aid. Aid shall be discontinued at the end of the month in which the refusal occurs. (See Section 44-103.24.)
- .23 An AFDC youth, aged 16 through 20, not in school and not referred to WIN, who does not have good cause for refusal to apply for or accept a bona fide offer of employment or training, renders himself ineligible for inclusion in the assistance grant. Such a youth shall be deleted from the family budget unit at the end of the month in which the refusal occurs. (See Section 30-155.6 and Section 44-103.25.)

30-160 WORK INCENTIVE PROGRAM

30-160

AFDC

30-161 OBJECTIVES

30-161

To evaluate and refer all appropriate AFDC recipients to the Work Incentive Program and to provide supportive social services and administrative funds, including funds for child care (in-home or day care) and related expenses to those referred and to their families to assist them to utilize this program effectively to achieve self-support. (See Section 10-051.32.)

30-162 PERSONS APPROPRIATE FOR REFERRAL TO WORK INCENTIVE PROGRAM 30-162

The following classes of individuals are appropriate for participation in WIN and shall be referred to WIN by the Social Services system within the limitations set forth below, unless referral is contraindicated. (See Section 30-163.)

.1 AFDC Unemployed Fathers (Federally Eligible)

All federally eligible AFDC-U fathers not excluded under Section 30-163 shall be referred promptly to WIN. In no instance shall such referral be made later than 30 days after receipt of the initial aid payment. Federal matching is not available beyond 30 days if an appropriate referral is not made. Where referral is inappropriate for a reason described in Section 30-163 the father remains eligible for federal participation for so long as referral remains inappropriate.

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(Pursuant to Government Code Section 11380.1)

30-162 PERSONS APPROPRIATE FOR REFERRAL TO WORK INCENTIVE PROGRAM
(Continued)

30-162

AFDC 2. AFDC Youth 16-20

All AFDC youth, sixteen years of age and over, who have left school or training within the past 30 days, who are not disabled, and who do not have current educational plans which will be implemented within 90 days, shall be referred promptly to WIN.

.3 Caretaker Relatives and Other Essential Persons

Caretaker relatives and other essential persons who volunteer shall be referred promptly to WIN, provided that the person's participation will not be detrimental to his or her welfare or the welfare of the AFDC child(ren).

.4 AFDC Mothers Who Volunteer

^{AFDC} /Mothers who volunteer are appropriate for referral to WIN/^{only} to the extent that the local WIN office formally agrees to accept them for service. Where such formal agreement is not in effect, mothers who volunteer shall be advised of the unavailability of the program and of the fact that referral will be deferred until such time as the local WIN office agrees to accept such voluntary referrals.

30-163 PERSONS NOT APPROPRIATE FOR REFERRAL TO WIN

30-163

Referral to WIN of a recipient described in
not be made if the recipient is:

Section 30-162 shall

- .1 Ill, incapacitated, or of advanced age.
- .2 So remote from any project or activity that he cannot effectively participate.
- .3 A youth 16-20/^{who is} attending school full time or who will return to school within 90 days.
- .4 A recipient whose presence in the home on a substantially continuous basis is required because of the illness or incapacity of another member of the household.
- .5 A recipient, other than an AFDC-U father, involved in an individual training program outside of WIN which is likely to provide full self-support for the individual and his dependents.
- .6 A recipient whose presence in the home is required because adequate child care services are not available, or whose participation would be inimical to the welfare of his child(ren) or family.
- .7 A mother with children whose participation would be detrimental to her welfare or that of her children, even if she volunteers.
- .8 A mother who volunteers but for whom the WIN Program is currently unavailable because the local WIN office has not agreed to accept referrals from mothers who volunteer.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

30-164 WIN REFERRAL PROCEDURE

30-164

AFDC

- .1 A referral is made by sending completed forms CA 339 and CA 340 to the Department of Human Resources Development. The completed forms shall attest to the fact that the recipient has been interviewed and meets the criteria for referral. Such referral precludes the need for separate registration with the Department of Human Resources Development. (See Section 30-155.1.) Mandatory referrals
- .2 Referral shall be made promptly. / shall not be deferred because there is no project activity under the Work Incentive Program to which a recipient can be assigned. The Social Services System shall assure that the recipient is informed that he is expected to report to the WIN office when notified of his appointment in writing by that office, and if necessary shall offer follow-up assistance to assure that he reports.
- .3 Necessary copies of Sections 1 and 2 of the WIN Referral Form (CA 340) and the Applicant History Form (CA 339) shall be completed and accompanied, when indicated, by a report of a medical examination, and sent to the local WIN office.
- .4 Before enrollment, WIN may request the county welfare department to obtain a medical examination to assist in properly placing the individual. In such instances, the Social Services system shall assist the recipient to obtain such an examination using Form CA 341 and shall forward the examination results to WIN.
- .5 When a personal interview is arranged, WIN shall notify the recipient and the Social Services system simultaneously. If the recipient fails to keep his scheduled interview, WIN shall arrange a second appointment. Upon receipt by the county of the notice of failure to report for an initial interview, the Social Services system shall explore the reasons for this and assure the keeping of the second appointment.
- .6 There shall be continuous coordination, cooperation, and planning between the Social Services system and the WIN team during the entire WIN process.

30-165 ENROLLMENT IN THE WIN PROGRAM as a result of a face-to-face interview with the individual. ³⁰⁻¹⁶⁵

Enrollment is acceptance of the referral by WIN. All AFDC recipients referred to WIN shall be:

- .1 Enrolled in WIN and assigned; or
- .2 Enrolled in WIN and held until an assignment can be made.
- .3 Deferred temporarily from enrollment, and referred to the mainstream employment services of the Department of Human Resources Development.
- .4 If the Department of Human Resources Development WIN team questions the appropriateness of the referral and is unable to resolve the issue with the Social Service System, the matter shall be referred to the Case Review Committee. The Case Review Committee makes the final determination as to appropriateness of the referral from the county.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-166 COUNTY ADMINISTRATIVE RESPONSIBILITY IN RELATION TO THE WIN PROGRAM

30-166

The County welfare department shall:

AFDC

- .1 Appoint an official representative(s) to maintain liaison and coordination with the Department of ~~human Resources Development~~ ^{assure interagency coordination}, clarify policies and procedures, and resolve relationship problems.

The representative(s) should be above the case-carrying level and high enough in the administration so that decisions can be made promptly.
- .2 Appoint a member of the social service supervisory staff as the social service member of the WIN Case Review Committee.
- .3 Arrange for staff training, particularly with respect to provision of services, determination of appropriateness and proper referral to WIN. (Joint interdepartmental training is desirable.)
- .4 Assist in the selection of the recipient member of the Case Review Committee.
- .5 Assure that appropriate controls exist within the Social Services system to identify referrals made to WIN; to insure that the department fully meets its responsibilities to refer; and to secure feedback on the results of referral. This includes gathering statistical information helpful in program evaluation.
- .6 Assign a social worker to give support to the recipient and the family of the recipient in each instance in which a recipient is accepted by and assigned to a WIN project. The case shall remain in active status unless the assessment of the Social Services system is that social services are not required.
 - .61 The decision that social services are not required shall be substantiated in the case record.
 - .62 Where social services are not required, the case may become inactive for a period of up to three months. Under such circumstances, a reassessment of the need for social services shall be made by the Social Services system at least quarterly.

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(Pursuant to Government Code Section 11380.1)

30-167 EFFECT OF WIN ON ELIGIBILITY FOR PUBLIC SOCIAL SERVICES

30-167

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- .1 Assignment by WIN for work of 35 hours per week or more which has a training component shall not be cause for denial or discontinuance of AFDC.
- .2 Assignment by WIN shall assure continuation of public social services until the completion of the WIN program even though eligibility for AFDC terminates. Under such circumstances expenses of participation in the WIN program shall be met from administrative funds to the extent necessary to maintain the person in the program, subject to the conditions and limitations in Section 30-153.2.

30-168 REFUSAL TO APPLY FOR OR TO ACCEPT EMPLOYMENT OR TRAINING WITHOUT GOOD CAUSE

30-168

- .1 When a recipient who has been referred to WIN refuses without good cause to apply for or to accept employment in which he is able to engage, or to participate in a Work Incentive Program project, the Department of Human Resources Development will notify the Social Services system of this fact in writing. (See Sections 30-156 and 30-158.1.)
- .2 The determination as to whether an offer of employment was bona fide and/or there was good cause to refuse the offer (whether made directly, through the employment service or through the county welfare department) shall be made by the Department of Human Resources Development following provision of opportunity for fair hearing within the appeal procedures established by WIN. The decision shall be binding on the county welfare department.

30-169 RETURN OF REFERRAL TO COUNTY WELFARE DEPARTMENT

30-169

In the event a recipient referred to WIN is referred back to the Social Services system with good cause for not continuing on a training plan or a job, the Income Maintenance system shall promptly reassume payment of assistance in those situations in which that responsibility was previously delegated to the Department of Human Resources Development.

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CHAPTER 31-200 EDUCATIONAL AND TRAINING SERVICESAFDC
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OAS31-201 OBJECTIVE

31-201

To provide on an optional basis through purchase, through operation or administration by the county welfare department or through other acceptable means, educational and training programs aimed at the following groups:

- .1 Specified AFDC recipients with an immediate potential for employment or rehabilitation leading to employment for whom the Work Incentive Program is not available, and
- .2 Adult Aid Recipients who have an immediate potential for employment or rehabilitation leading to employment. (See 10-053.3.)

31-202 GROUPS TO WHOM THE OBJECTIVE APPLIES

31-202

The county welfare department may, at its option, elect to operate or administer educational or training services to individuals who have an immediate potential for employment or rehabilitation leading to employment in any of the following groups:

for whom WIN is not available or who are

- .1 AFDC-U parents/not federally eligible for participation in WIN.
- .2 Recipients of the Adult Aid Programs.
- .3 AFDC fathers who are incapacitated.
- .4 AFDC mothers who are not accepted by or not eligible for WIN, but who are willing to accept participation in an employment pre-conditioning program.
- .5 AFDC male youth, ages 16 through 20, who are out of school and not being served by WIN.
- .6 AFDC female youth, ages 16 through 20, who are out of school and not being served by WIN.
- .7 AFDC recipients for whom WIN enrollment has been deferred and who are unlikely to become enrolled within a three month period following such deferral.

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(Pursuant to Government Code Section 11380.1)

31-203 DEFINITION OF EDUCATIONAL AND TRAINING SERVICES

21-203

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Educational and training services are individual and group services which prepare public assistance recipients to become self-supporting. Such services are limited to those recipients requiring vocational education, training, or rehabilitative services as a prerequisite to employment.

31-204 RESPONSIBILITIES OF THE SOCIAL SERVICES SYSTEM

31-204

Where a county elects to provide educational and training services for recipients identified in the groups listed in 31-202, it shall be the responsibility of the Social Services system to:

- .1 Identify those recipients with an immediate potential for employment or rehabilitation leading to employment who could benefit from an education or training service (See Section 30-152.12)
- .2 Make a specific plan for meeting the educational or training need through the county operated or administered program, through purchase of the service, or through other means (See Section 30-152.16);
- .3 Inform the recipient other than the AFDC-U parent, or the AFDC youth age 16 through 20, that his participation in the educational or training program is voluntary. (See Section 30-158.2);
- .4 Assure that expenses of participation in the educational or training program are met, including the provision of a standard allowance in accord with Section 30-153.26, child care costs, and reasonable costs of tuition, books, tools, and other supplies required by the program. Such expenses, if not provided by other agencies, shall be met from administrative funds.
- .5 Assure that the educational or training service program is continued until the objective is reached or service is terminated for another reason.
- .6 Assign a social worker to give support to the recipient and the family of the recipient in each instance in which a recipient is accepted by and assigned to an educational or training project. ^{Serial} The case shall remain in active status unless the assessment of the Services system is that social services are not required.
 - .61 The decision that social services are not required shall be substantiated in the case record.
 - .62 Where social services are not required, the case may become inactive for a period of up to three months. Under such circumstances, a reassessment of the need for social services shall be made by the Social Services system at least quarterly.

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(Pursuant to Government Code Section 11380.1)

31-205 REQUIREMENTS FOR OPERATING OR ADMINISTERING EDUCATIONAL OR TRAINING SERVICES

31-205

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- The plan for the purchase or operation of education or training services shall be included as part of the county plan of services (See Section 10-207).
- .2 Written approval from the State Department of Social Welfare shall be obtained where the county elects to operate an educational or training program for more than 10 persons.
 - .3 No educational or training services shall be initiated directly by a welfare department which duplicate services available from other agencies. This includes the state Departments of Human Resources Development, Rehabilitation and Education.
Questions around potential duplication of services shall be referred to the State Department of Social Welfare for clearance with the appropriate state agency.
 - .4 No recipient shall be encouraged to enter into an educational or training activity unless there is a reasonable assurance that at least partial self-support can be gained as a result of the activity.
 - .5 Provision shall be made to insure that no mother is assigned to an educational or training program if her participation will be detrimental to the welfare of herself or her children.
 - .6 There shall be no computation of wage credits in any educational or training program.
 - .7 The county shall assure that work performed on a training program will not result in the displacement of regular workers or replace work which would normally be performed by regular employees.

31-206 GENERAL PROGRAM STANDARDS FOR EDUCATIONAL OR TRAINING SERVICES

31-206

The county shall adhere to each of the following standards which are applicable to the planning, development and administration of an educational or training programs.

- .1 The program shall be designed to contribute to the maximum development of the recipient's potential for self-support through overcoming the effects of educational deprivation, conserving or improving existing skills and developing new skills.
- .2 The program shall be so administered as to give consideration to the needs, capacities, abilities and aptitudes of each individual assigned to it.

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31-206 GENERAL PROGRAM STANDARDS FOR EDUCATIONAL OR TRAINING SERVICES (Cont.) 31-206

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.3 The program shall provide for coordinated and appropriate efforts to upgrade recipient skills and increase earning capacity. Such efforts may include:

- .31 Training programs in which one or more recipients are assigned to a sponsoring agency (another public agency or a nonprofit agency) for on-the-job training and performing work of benefit to the public. (See Section 31-207.)
- .32 Organized group instruction which provides remedial and/or vocational education to enable recipients to overcome educational deficiencies blocking their chances for employment or vocational training. (See Section 31-208.)

31-207 STANDARDS FOR TRAINING PROGRAMS

31-207

.1. On-the-job Work-Training Programs

Where a county enters into an agreement with a sponsoring agency in relation to an on-the-job work-training program, the following requirements shall be met:

- .11 Such trainings shall be performed for public or private nonprofit agencies. Written agreements spelling out the specific responsibilities of the sponsoring agency and the county welfare department shall be developed.
- .12 Individual training specifications shall be developed and shall include name and title of supervisor, length of training, material to be covered in the training and the job for which the recipient shall be able to qualify at the end of his training.
- .13 Agreements with sponsoring agencies shall be listed in the county plan of services. (See Section 10-207.)
- .14 Work-training programs shall be geared to the needs of recipients rather than exclusively concerned with the needs of sponsors.
 - .141 Work performed shall not displace nor adversely affect regularly employed workers, nor provide or replace a service normally and continually met by a federal, state, county, municipal or other public agency.
 - .142 Where a sponsoring agency has previously funded an activity, the sponsoring agency shall demonstrate that it is maintaining its previous efforts. Only the costs of the expanded effort are subject to federal matching.

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31-207 STANDARDS FOR TRAINING PROGRAMS (Continued)

31-207

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ONS.2 Costs of Training Activities

All training activities shall have clearly defined training components and be geared to the job needs of the local community. Training activities may include:

- .21 Training programs designed to develop new or improved skills. Such projects include the planned coordination of on-the-job training and related instruction. Participants shall be carefully selected on the basis of their ability to use the training and instruction. Such projects have as their purpose the production of well-trained workers for a competitive labor market.
- .22 Training programs designed to improve, or conserve existing skills. Participants shall be given an opportunity to use their skills and, through useful job experience and related vocational instruction or adult education, to increase their skills and employment opportunities.

.3 Minimum Standards for Training Programs

All training programs whether conducted by a sponsoring agency or the county shall meet the following minimum standards:

- .31 On-the-job training shall be performed for a useful public purpose. This prevents any work which is performed to benefit private persons or interests but does not exclude voluntary nonprofit agencies and institutions.
- .32 This requirement does not preclude arrangements with private employers, voluntary agencies or other private resources for on-the-job training which meet the standards established by the Division of Apprenticeship Standards or Department of Rehabilitation. The aid payment to the recipient may not be used as an offset for any work performed.
- .33 Except for activities of a supplementary, nonrecurring or emergency nature, training programs shall not replace ongoing established functions of the sponsoring agency. This restriction applies to normal maintenance and upkeep activities for which funds have not been appropriated by the sponsoring agency.
- .34 Activity performed on training programs shall not result in the displacement of regular workers or in the performance of work which would otherwise be performed by such employees.

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31-207 STANDARDS FOR TRAINING PROGRAMS (Continued)

31-207

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OAS.4 Protections for Workers Assigned to Training Program

All workers assigned to training programs shall have the following protection against hazards or activities which might adversely affect their health:

- .41 Periodic physical examinations (See 30-154).
- .42 Health condition assessments by supervisory staff of training programs who shall be instructed to send home any participant who is, or appears to be, ill. Such individuals shall be reported to the Social Services system.
- .43 Written medical clearance before a participant is permitted to return to the training program for any participant who is absent because of illness or injury (other than a minor cold, gastrointestinal disturbance, or similar ailment which usually incapacitates for three days or less).
- .44 Proper sanitary facilities.
- .45 Adequate first aid supplies so located that they are easily accessible to all participants.

.5 Safety Provisions for Training Programs

Training program participants shall be provided with the same safety equipment provided for regular employees of the sponsoring agency. If safety provisions are lacking in the sponsoring agency, the county welfare department shall be responsible for assuring that the following protections are maintained for training program participants:

- .51 Responsibility for safety conditions shall be placed on the training program supervisor who shall have sufficient authority to enforce good standards for the prevention of injury.
- .52 The supervisor, and through him the training program participants shall be provided with basic safety education and training pertinent to the type of activity being performed.
- .53 Safety clothes and equipment shall be provided if needed.
- .54 Periodic safety inspections shall be required.
- .55 Records and reports of all injuries shall be required.
- .56 Injuries shall be investigated to determine their causes and to identify preventive measures which can be taken.
- .57 The formation of safety committees on projects shall be encouraged when appropriate.

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31-207 STANDARDS FOR TRAINING PROGRAMS (Continued)

31-207

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- .6 Other Criteria for Training Programs
Training programs shall be operated in accordance with the following commonly accepted criteria:

- .61 Participants shall be assigned to training programs commensurate with their vocational interests and potential and physical and mental capacities in order to develop skills and improve employability.
- .62 When organized group instruction is an integral part of the training plan for an individual, his hours of participation in training program activities shall be adjusted to class hours.
- .63 Assignments which are punitive, degrading, abusive, or which might tend to cause the participant to be ridiculed shall be prohibited.
- .7 All persons assigned to training programs shall be covered by the county for Workmen's Compensation Insurance or comparable protection.

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31-208 STANDARDS FOR ORGANIZED GROUP INSTRUCTION

31-208

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- .1 Remedial and vocational education required to supplement and complement the on-the-job experience afforded by assignment to training programs shall be provided through the medium of organized group instruction.
- .2 Two types of group instruction may be utilized:
- .21 Remedial education which involves instruction designed to remedy educational deficiencies which preclude the successful pursuit of vocational education, job training, or employment. This includes:
- .211 A course or series of courses of instruction in basic elementary subjects designed to overcome illiteracy or functional illiteracy.
- .212 A course of series of courses of instruction in secondary subjects when these are required as pre-requisites for successful pursuit or vocational educational, job training, or job placement.
22. Vocational Education which involves courses of instruction which deal specifically with the acquisition of skills, understandings, attitudes, and abilities which are necessary for entry into and successful progression within a particular occupation.
- .3 Adult educational services of the public school system of the state are the primary resources for the provision of organized group instruction. Junior colleges, state colleges, University of California and other public and private schools are additional resources.

31-209 STANDARDS FOR ACTIVITY CENTERED THERAPY

31-209

- .1 Activity Centered Therapy programs are specially designed programs operated by county welfare departments for those not appropriate for referral to WIN or the Department of Rehabilitation.
- .2 The core of the Activity Centered Therapy program is a sheltered workshop. The sheltered workshop program shall include all of the following components: Work Evaluation; Work Adjustment; Work Experience; and Trade Training.

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31-209 STANDARDS FOR ACTIVITY CENTERED THERAPY (Continued)

31-209

.3 The Activity Centered Therapy may also include:

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- .31 Use of group methods for problem solving and discussing of personal problems.
- .32 Educational activities such as basic or remedial education.
- .33 Training for better grooming, self-care, social adjustment, homemaking, etc.
- .34 Recreational Activities
- .35 Skill training for those who will never be placed in fulltime competitive employment.

.4 The workshop operated as a part of the Activity Centered Therapy shall meet all requirements for such facilities established by the Department of Rehabilitation. (See Section 31-210.32)

.5 Standards for other aspects of the program shall be in accord with the Guide for Activity Therapy Centers released by the State Department of Social Welfare.

31-210 PURCHASE OF EDUCATIONAL AND TRAINING SERVICES

31-210

.1 Services provided by the California Department of Human Resources Development, school districts and Rehabilitation Service shall be used whenever available. Such services include registration, testing and vocational counseling, referral for or provision of training and individual job development. Where these services are not available from public sources, the county welfare department may provide them.

.2 Services geared toward a goal of self-support for any individual or group may be purchased if they meet the following conditions when applicable:

.21 The facility from which the service is to be purchased meets existing licensing laws, if applicable or the facility meets standards established by an appropriate state or federal agency.

.22 Adult education subject to purchase is limited to those courses not otherwise available free of charge, and to which at least ten public assistance trainees have been assigned or referred by a county welfare department as part of that agency's service program.

.221 "Not otherwise available" means that there is no course which meets the specific needs of public assistance recipients currently being offered by a local school district, or that a course which is currently offered would have to be substantially modified by adding or deleting one or more segments of the curriculum in order to meet the specific needs of public assistance recipients.

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31-210 PURCHASE OF EDUCATIONAL AND TRAINING SERVICES (Continued)

31-210

- .3 Services may be purchased from private nonprofit sheltered workshops and rehabilitation facilities under the following conditions:

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31. When the purpose of purchasing services from private nonprofit rehabilitation facilities or sheltered workshops is to evaluate potential for self-support and to prepare a recipient for referral to WIN or other appropriate training. Appropriate services include work evaluation, work adjustments, trade training, and work experience.
- .311 Purchase of such services shall be at the rate prescribed by the Department of Rehabilitation. No fee will be paid for a person engaged only in straight production at his identified level.
- .32 When the facility has been approved by the Department of Rehabilitation such approval requires that:
- .321 The workshop have the appropriate clearance from the U. S. Department of Labor regarding payment of wages if less than the minimum wage is paid. (Required by federal law).
- .322 The workshop must have appropriate clearance from the Division of Industrial Welfare, Department of Industrial Relations, to report and secure approval for the amount paid if less than the minimum wage for women or children is paid. Each of these is to be cleared individually. (Required by state law.)
- .33 When the facility is working toward accreditation by the Commission on Accreditation of Rehabilitation Facilities for the type of facility which is being operated.
- .34 Individual authorizations shall be time-limited and made by letter or purchase order for a specified service at the authorized rate. Fees for services shall be the same as those paid by Vocational Rehabilitation.
- .35 The facility shall have policies which are in keeping with public policy, i.e., policies are prohibited which prevent anyone in need of such services from participation in a facility because of race, religion, sex, or national origin.

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